



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, THURSDAY, MAY 1, 2008

No. 71

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of the Universe, help us to find meaning in our work. Train us to see Your purposes behind our task, motivating us to focus on pleasing You.

Empower our Senators. Give them the will and strength they need. Provide them with patience so they will neither despair nor grow weary in well doing. Give them confidence that in following You, Eternal Lord, they are certain of ultimate triumph. Let Your peace guard their hearts and Your wisdom direct their steps.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 1, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following my remarks and those of Senator MCCONNELL, if he decides to make such remarks, there will be a period of morning business for up to 1 hour, with Senators to be allowed to speak for up to 10 minutes each during that time. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes. Following morning business, the Senate will resume consideration of H.R. 2881, the Federal Aviation Administration Reauthorization.

### FIFTH ANNIVERSARY OF "MISSION ACCOMPLISHED"

Mr. REID. Madam President, 5 years ago on the deck of an aircraft carrier returning from the Middle East, America and the world witnessed perhaps the greatest act of hubris our country has ever seen in wartime. Resplendent in a flight suit, landing theatrically in a fighter jet, President Bush declared: "In the battle for Iraq, United States and our allies have prevailed." Above him was a banner, printed by the White House, with the idea coming from Karl Rove. That banner proclaimed "Mission Accomplished."

With families fleeing from Iraq by the tens of thousands to live as refugees, now approaching 2½ million—mission accomplished? With no government in place, with towns destroyed, with infrastructure in shambles—mission accomplished?

When President Bush put on his flight suit, 139 American troops had lost their lives. Today, the toll has reached 4,058 or 4,059. In April, with the highest death count in 7 months, 51 Americans were killed.

When President Bush landed on the runway of the USS *Abraham Lincoln*, 548 Americans had been wounded. Today that count is far more than 30,000, many of those grave injuries.

When President Bush announced that "major combat operations have ended," the American taxpayers had spent about \$79 billion in Iraq. Today, \$526 billion and counting, we are spending \$5,000 every second, 7 days a week, every week of the month, every month of the year. Those costs are going up, not down, with experts such as Nobel Prize-winning economist Joseph Stiglitz predicting \$3 trillion will be the cost of the war, with every penny of it borrowed—from Japan, from China, from Saudi Arabia, even from Mexico.

In May, 2003, many of our allies had already begun to stand apart from us on the war. Today, our moral authority in the world has been gravely damaged. Not one American looks back on the 5 years since that aircraft stunt with any sense of satisfaction. Our country looks back with grief, sadness, yet with a fierce and unwavering commitment to finally change the mission and responsibly end the war in Iraq and bring our troops home.

That day aboard the USS *Lincoln*, our President told us the war would not be endless. He said: "Americans, following a battle, want nothing more than to return home." He told the brave men and women aboard that carrier that home was their direction that day; that:

After service in the Afghan and Iraq theaters of the war, after 100,000 miles on the longest carrier deployment in U.S. history, you are homeward bound.

Madam President, let me again read that quote:

After service in the Afghan and Iraq theaters of the war, after 100,000 miles on the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3649

longest carrier deployment in U.S. history, you are homeward bound.

To the men and women aboard the *Lincoln* that day, that speech must seem a distant memory. Could they have imagined that day that many of them, and their brothers and sisters in arms, would now be in their third, fourth, and fifth tours of duty? The "Mission Accomplished" speech will rightly be remembered with great anguish by all.

Look at this. This chart, sadly, is a little behind but it makes the picture. I indicated that wounded troops are more than 30,000 now. Troops in Iraq on that day were 5,000 more then, with the troops, some of them, coming home.

Cost of the war to the taxpayers—you can see that.

What do you American people think about the war in Iraq, was it worth fighting? You can see the numbers.

The estimated number of Iraqi civilians killed—Johns Hopkins University did a study. Their study says over 200,000 Iraqis have been killed. The number of Iraqis who have fled their homes is almost 5 million. The number of Iraqi security forces—we have trained them, we paid for them—is almost half a million.

Iraqi prison population.

Number of daily attacks by insurgents and militias in Iraq: to date it is about 55.

The number of multiple-fatality bombings in Iraq in May of 2003: zero. Now look at that.

Suicide attacks: almost 1000.

The price of oil: in May of 2003, it was \$26.03 a barrel. Yesterday we had a little drop in the oil price. It is down from more than \$120 a barrel the last few days to only \$115 a barrel.

The price of gas then was \$1.50. If you are lucky, you can find it someplace in the United States for \$3.62. That is the average.

George Bush, DICK CHENEY, and Donald Rumsfeld will be written in the pages of history as the men who rushed a peaceful, deliberate nation headfirst into war without the slightest notion of what it meant to run or to end it. Five years later, the cost of their hubris is staggering—in lives lost and damaged, dollars spent, moral authority squandered.

Let's think back to the men and women aboard the *USS Abraham Lincoln* that day 5 years ago; the excitement they must have felt by a Presidential visit; the encouragement of his words; the satisfaction of heading home to their families after a job well done.

They did their jobs, but the Commander in Chief didn't do his—as he has not done his job here at home, with record gas prices, record oil prices, and an economy spiraling into recession. I met with a number of homebuilders yesterday in room S-219. Have we reached the bottom in the housing market? They said: No, we are not close yet. About 50 million Americans are uninsured for health costs.

On this fifth anniversary, a sorry moment in our country's history, we pause to honor the troops aboard the *USS Abraham Lincoln* and all our troops, their brothers and sisters in arms who fought and sacrificed and continue to fight in Iraq. They deserve not the false hope of a slogan engineered by Karl Rove, the President's chief slogan maker, but the real hope of a responsible end to a war that has raged far too long.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Colorado is recognized.

#### ENERGY PRICES

Mr. ALLARD. Madam President, here we go again. We all know the Senate has limited time left this year to debate important legislation. It is becoming more and more clear the Democratic leadership is staunchly opposed to doing anything that would alleviate the seemingly endless upward pressure on energy prices. Given their unyielding desire to increase taxes on much of the energy industry, I can only assume the Democrats in Congress believe that steadily increasing energy prices simply provide political fodder upon which they can capitalize. Democrats in both Chambers appear beholden to the environmental agenda, a radical agenda that wholly disregards America's economy.

Oblivious to prices at the pump and indifferent to from whom we import our oil, far-left environmentalists and their cohorts in Congress are failing in their duty to the American public. The Congress has stymied efforts to produce trillions of cubic feet of natural gas, trillions of barrels of oil, and prevented the construction of new refineries, nuclear powerplants, and hydroelectric facilities through public policies that limit energy supply. We cannot afford to take any option off the table.

The security concerns of America and our businesses and consumers still demand energy. In oil alone, we consume over 20 million barrels a day. Since we only produce just over 8 million barrels per day, the gap must be made up by purchasing oil from hostile or undemocratic nations, such as Venezuela, Saudi Arabia, and Nigeria to meet our energy needs. We spend over

half a trillion dollars each year importing foreign oil, and it is far past time to rectify this unhealthy dependency.

The global price for petroleum reaches new highs every day and petroleum-related imports have caused our trade deficit to increase by billions of dollars.

According to a study by the Congressional Research Service, in 2005 and 2006 alone, our trade deficit rose by \$120 billion. As oil prices continue to rise and domestic energy production is further obstructed, America's trade balance will only fall deeper into the red.

As a Senator from energy rich Colorado, I am on the front lines of the battle to increase our domestic energy production. The Democrats continue to delay efforts to tap into a natural gas reserve below the Naval Oil Shale Reserve, often referred to as the Roan Plateau, that contains approximately 8.9 trillion cubic feet. We need this clean source of energy now.

Moreover, below the vast lands of Colorado and Wyoming lies roughly 1.5 trillion barrels of potentially recoverable oil. This amount dwarfs the reserves of Saudi Arabia and other petro-rich nations, and new technologies continually emerging would allow us to responsibly extract this oil to help meet our demands. The benefits to Colorado and the American economy would be tremendous.

Additionally, national environmentalist groups have succeeded in pressuring Members of Congress to mandate a lock-down of what could be an immense treasure chest of oil in the Arctic National Wildlife Refuge.

In subverting the widespread local support of Alaskans and in prohibiting the potential extraction of 5 to 15 billion barrels of oil, environmentalists stubbornly resist even moving forward with comprehensive testing that could result in the environmentally responsible development of parts of the Arctic National Wildlife Refuge.

The U.S. Geological Survey announced this month that 3 to 4 billion barrels of technically recoverable oil exists under North Dakota and Montana's Bakken Formation. This is 25 times more than was estimated to exist in 1995. These numbers are staggering, and there are other examples where our aversion to responsible development defies common sense.

Of course, we must continue our dedicated efforts to explore alternative sources of energy to meet our demands, but it is possible to develop sections of the Arctic National Wildlife Refuge, extract natural gas from the Rocky Mountain west and harvest resources offshore in economically feasible ways and also protect our natural wonders.

We should not take increased production of any domestic oil off the table. The longer we completely deny access to domestic supplies, the more we exacerbate our current energy shortages.

We cannot solve the problem of soaring gas prices facing America today with one solution, but we certainly

should not allow the relentless push of environmentalists' narrow agenda to make this crisis even worse. What will the average gallon of gas in America have to cost for the Democratic leadership in Congress to step to the plate with a comprehensive solution for our consumers?

We should seek to develop our renewable resources along with oil, gas, clean coal, nuclear, and hydroelectric energy in a manner that prevents foreign interests from taking over energy for their own purposes.

It is time for congressional leaders to be a part of the solution and not the problem. It is time to put every idea on the table. It is time for common sense.

In the State of Colorado, we have a plethora of energy sources. We obviously rely on renewable energy because we have lots of sun and wind, we have hydroelectric, we have uranium to produce nuclear power. None of these or our rich resources in petroleum and coal that exist throughout the country should be taken off the table.

For us to subject ourselves to a harsh extreme environmental agenda does not make sense. This country should continue to work to develop all of those resources. Obviously, the future of this country is on the renewable side, but we have to deal with today's problems, today's price at the gas pump, and therefore we need to produce domestic resources in addition to supporting the renewable technologies we are currently developing.

If we do that, we will most successfully address the high cost at the gas pump today. Congress should be working with industry to make sure we have more plentiful supplies of gas and petroleum products in addition to developing other sources of renewable energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Would you please let me know when 5 minutes has expired?

The ACTING PRESIDENT pro tempore. The Chair will do that.

#### TVA APPOINTMENTS

Mr. ALEXANDER. Madam President, Tennesseans like our sports teams, whether it is the Lady Vols, or the Memphis Tigers, or Bruce Pearl's team from Knoxville. But John Calipari or Pat Summitt or Bruce Pearl wouldn't think of sending any of our teams into a big game with two players locked up somewhere—two players missing.

That is exactly what my friend, the Democratic leader, has done for 8.7 million Americans who live in the seven-State region of the Tennessee Valley Authority. Our big game, like most Americans, is gas prices, electric prices, climate change, clean air, national security.

Every Senator is on the floor talking about that; some blaming, some with

solutions. I am going to Oak Ridge on May 9 to propose a new Manhattan Project to deal with clean energy independence.

But our secret weapon in the TVA region is the Tennessee Valley Authority. That is how we get our clean air so we're in compliance with clean air laws and new jobs can come in. It is how we deal with climate change. They have coal-fired powerplants. It is how we deal with large amounts of electricity at a low cost. That has to do with jobs and it has to do with gas prices as well.

Nissan, Toyota, and General Motors all are about to sell us plug-in hybrids that could, by some estimates, reduce the amount of gasoline we use by up to 40 percent. That would deal with gas prices. But who will supply electricity for the plug-in hybrids? The Tennessee Valley Authority. So what happens? The Democratic leader locks up two of our best players and won't let them play in the biggest game we've got. If he did that to two of our Memphis basketball players, or UT Lady Vols, or two of Bruce Pearl's players, there would be a revolt in Tennessee, and I hope there is a revolt about this.

Here is what has happened: In 2004, after several years of debate, we created a new board for the Nation's largest public utility—the Tennessee Valley Authority. The President appointed nine members. They were unanimously approved. Two had short terms; they served with distinction and the President nominated them for reappointment. The Environment and Public Works Committee unanimously, under Chairman BOXER, brought them to the floor. They are ready for approval, ready to go to work. But the Democratic Leader has sent me a letter that basically says he will not allow them to be confirmed because they are Republicans. That astounds me. I ask unanimous consent to put that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 14, 2008.

Hon. LAMAR ALEXANDER,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR ALEXANDER: I am writing to you to advise you of my concerns regarding appointments to the Tennessee Valley Authority (TVA).

As you know, the TVA was reconfigured in P.L. 108-477, the Omnibus Appropriations bill enacted December 8, 2004. The inclusion of that substantive legislation in this appropriations vehicle expanded TVA membership to 9 members from 3 members. This omnibus legislative rider gave appointive authority entirely to the President with no bipartisan representation.

I expressed my concerns regarding this situation over a year ago when the first slate of 6 TVA nominees was sent to the Senate. I asked the President to consider using one of the remaining positions for a Democratic candidate. Despite that request, the President nominated 3 additional Republicans for the TVA. Before the Easter recess, we confirmed one of those remaining 3 TVA nominees.

Given the inadequacy of bipartisan representation on the TVA and our recent approval of 7 Republican nominations to the TVA, I do not support proceeding with further TVA confirmations at this time.

Sincerely,

HARRY REID,  
Majority Leader.

Mr. ALEXANDER. The Democratic leader's decision to block these nominees because of their party affiliation overturns 75 years of Federal law and custom. Since 1933, Federal law has never made politics one of the considerations for TVA appointments.

Most Presidents have appointed members of their own party, sometimes political independents—such as Bishop William Graves, one of the two nominees for reappointment who is being locked up.

Bishop Graves is not even a Republican. He is the most experienced member of the TVA board, coming from the largest customer, Memphis Light, Gas and Water, and he is the presiding bishop of one of the largest religious denominations in America.

I have sent a letter to the majority leader. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 30, 2008.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR REID: Your decision to block Senate confirmation of the President's renomination of Bishop William Graves of Memphis and Susan Williams of Knoxville to the Tennessee Valley Authority Board of Directors astounds me. If you succeed, you would overturn seventy-five years of federal law and custom.

Your actions insult the Mid-South's largest city, Memphis. Until Bishop Graves' appointment in 2006, a Memphian had never served on the TVA board.

Your actions are an affront to more than one and a half million African Americans in the seven-state TVA region. Until the appointment of Bishop Graves the presiding Bishop of the Christian Methodist Episcopal Church—an African American had never served on the TVA board.

Your actions are the kind of disheartening playpen partisan politics that disappoint the American people and are causing them to cry out for change in the way Washington does its business.

Since the founding of TVA in 1933, federal law has never required presidents to appoint TVA directors from one political party or another.

Almost always, presidents have appointed members of their own political party. As is the case with Bishop Graves, members have often been political independents.

TVA is the nation's largest public utility, with more than \$9.2 billion in annual revenues and 8.7 million customers. In 2004, after several years of debate, Congress created a new TVA board and a modern governance structure.

Bishop Graves and Susan Williams were original members of the new board, nominated by the President and confirmed by the Senate. They have served with distinction. The President has now renominated them. The Senate Committee on Environment and Public Works has again unanimously recommended them.

Tennessee Valley residents face no greater challenges today than dealing with energy costs, clean air and climate change. The Tennessee Valley Authority needs a full membership on its board to solve those problems.

I respectfully request that you lift your roadblock, stop trying to change seventy-five years of law and custom, and allow these two outstanding nominees to go back to work on the TVA board helping to provide the large amounts of clean, low cost, reliable electricity Tennessee Valley residents need to keep good jobs and clean air.

Sincerely,

LAMAR ALEXANDER,  
*United States Senator.*

Mr. ALEXANDER. I have said to the majority leader: This is an insult to Memphis. Bishop Graves is the first Memphian ever to serve on the TVA board in its history. It is an affront to the more than 1.5 million African Americans in our region. Bishop Graves is the first African American ever to be on the TVA board.

At a time when there is a stream of Democratic Senators coming to the floor trying to find somebody to blame for high gas prices, why is the majority leader locking up two of the most valuable players on our team whose job it is to deal with high gas prices, high electric prices, climate change, clean air, and national security?

I respectfully suggest that the majority leader, for whom I have the greatest respect, lift this roadblock—stop trying to change 75 years of law and custom. Unlock our two players and let them out and let them into the game against high gas prices and let them go to work.

This is disheartening playpen partisan politics—it disappoints the American people and causes them to cry out for changing the way that we do business in Washington.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, it is always an honor to be in the presence of the senior Senator from Tennessee who does such an outstanding job in this body of promoting bipartisanship.

I know the Presiding Officer has played a big role in that. I thank you for that. I want to say I came here as did the Senator to solve big problems for our country in a bipartisan way.

I just left a meeting that I think exemplifies that to the highest level, where RON WYDEN and BOB BENNETT are cosponsoring a great piece of legislation in a bipartisan way, to solve the tremendous health care crisis our country is dealing with today.

I am proud to be part of that and to join them in a bipartisan way to solve this major problem. I know many of us are doing the same thing to focus on the energy issues that are before us as a country. That is what I came here to the Senate to do. I know that is exactly the reason, Madam President, you came to the Senate.

That is why today I rise with tremendous frustration over the actions of our majority leader. I have enjoyed work-

ing with our majority leader, and he certainly has done a good job in many instances. But, today, strictly on a politically motivated basis, in a letter to the senior Senator he stated he is not going to confirm TVA appointees because they are not Democrats.

We went through a tremendous amount of effort, or this body did prior to me being here, to make sure the TVA board was a professional board, that people there were able to make decisions in the best interests of that body and all the many people who are served by the TVA facility.

These two nominees are outstanding human beings. They have served their State, their cities, and our country with great distinction. Bishop Graves is someone who recently was heralded here in Washington because of his tremendous leadership in making sure that the racial divides that have been a part of our country were swept away.

Susan Williams has done the same, has been a leader in many other ways, in business, and both of them have helped shepherd TVA through some of the finest years TVA has had.

Both of these are reappointments. In other words, they have already served as part of the TVA board, which recently has been expanded geographically to bring in other States, which is a very good thing from the standpoint of board representation.

Both of these members were approved unanimously by EPW, again a bipartisan effort, which I might say also is controlled by the Democratic Party. So I have to tell you while it is frustrating to me to see this body become a proxy in some cases for the Presidential races, I hate to see some of the things we deal with as a result, and that diminishes this body.

I will tell you that our leader taking this position is a tremendous disservice to this body; diminishes this body. I hope the leader will come to his senses, will realize that not only is he doing something that is of tremendous harm to TVA, it damages this body for the majority leader to act in such a politically motivated way.

I hope very soon these nominees will be reappointed. I hope TVA can get about its business in serving the people of Tennessee and other surrounding States in a proper way. I hope the majority leader again will do the right thing, will cause these nominees to come to the floor. I am sure they will be unanimously confirmed.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENERGY POLICY

Mr. MARTINEZ. Madam President, we are facing a real problem as Ameri-

cans increasingly go to the gas pump to fill the need of energy for their vehicles and they find that the prices at the pump are ever higher, more onerous, and it makes the family budget more difficult to manage. This is a problem for working families, to the typical American family trying to drive children to school, participate in carpools and other activities. It hits everyone at a time when other economic problems are surrounding the American family. We have a problem, and we have to act. Failure to act is not an option. At this point in time, we cannot offer immediate solutions, but we have to recognize where we are. We have to recognize what has not happened.

I recall many days sitting where the Presiding Officer sits today, when our party was in the majority. Democrats would come to the floor and talk about how, if they were in power, because they were not in cahoots with the big oil companies, then things would be better, they would find a way to make things better. There was a bold announcement made by then-House minority leader NANCY PELOSI on April 24, 2006:

Democrats have a commonsense plan to help bring down skyrocketing gas prices.

That is when prices were tipping at \$3 a gallon. They were \$2-something a gallon. I wish today we were back to those moments in time.

A commonsense plan to help bring down skyrocketing gas prices? I ask, where is the plan? What happened to that plan? Democrats came into power to lead both Houses of Congress on January 4, 2007. The distinguished Senator from Minnesota proudly took her oath; many others came into office. At that point in time, the price of gas was \$2.33 a gallon. Today, it is \$3.62 a gallon. Is this what the commonsense plan to bring down prices was supposed to bring us? Is this why someone had a plan that was going to help America? Has it helped us? Have we gone up or down? The fact is, today prices are \$3.62.

What we should do is have some plain talk. The fact is, it didn't matter who was in control of Congress because the laws of economics go well above the laws of politics. This is about supply and demand. The fact is, there is not a commonsense plan. The fact is, there is no plan, that America's energy policy continues to flounder for several reasons. We have to act, and we have to act as responsible leaders.

One of the things that is inevitable is that as long as supply and demand stay where they are today, with demand ever increasing and supply topping out, we will continue to have increasing prices. I submit that part of what has to occur is increased production. We have to find ways that we can, within our own borders, produce more energy.

I have been supportive of drilling in 2000 acres of the vast wilderness of Alaska in a way that would be safe. If it had been done back when President

Clinton vetoed it, today a million barrels a day would be flowing into the stream of production and would help with this supply problem we have today.

There may be other safe ways. A year or so ago, we made a deal. The deal was that we would drill safely in areas well away from the Florida coast in the Gulf of Mexico—8 million acres for new drilling that are also available and will produce oil and gas.

These are helpful steps, but they are not enough. We have to conserve. We have to find ways to encourage Americans to conserve at the pump, to save by carpooling, to save by finding a way of buying more energy-efficient vehicles.

We as a government should be helping American consumers through our tax system to find a way they can purchase vehicles that are more energy efficient. We know that a hybrid vehicle will get 35 to 38 miles to the gallon. We know that a standard vehicle of similar size would be lucky if it gets 17 or 18 miles to the gallon.

At the end of the day, it is a combination of strategies. The bottom line is, we have to have a multifaceted strategy. We have to work together, not suggesting that there is one party that has a secret plan that, in fact, doesn't exist. We have to find a commonsense way to work together, Democrats and Republicans, to increase production modestly and safely, to encourage conservation and new technologies, and to continue to boldly move forward toward a Manhattan-type project that is going to put all of the resources and energies of this country toward energy independence and energy security so we can discontinue this horrendous practice of wealth transfer that is taking place today between our country—the billions and billions of dollars we are transferring to some of the worst enemies of our country, people such as Hugo Chavez and Ahmadinejad.

The day is coming when we have to find a way to pull together toward a common goal of having a sensible, balanced energy policy, increase production safely, conserve more, and new technology. All working together, we can do this. America can meet this challenge.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I can't quite believe what I just heard. Because Democrats in 2006 said we need a different energy policy than the White House, a President and Vice President who both come out of the oil industry, both top energy executives, where much of the funding for the President's party comes from the oil industry, and in 2006, the Democrats said the Congress betrayed the American people because they let the oil industry write the energy bill, now my friend from Florida is saying it is the Democrats' fault that gas prices are through the roof.

One of the best friends of the President was the CEO of Enron, a major funder to the President, close friend of the President who had a personal nickname, and Enron had gamed the system through speculating and speculating. It cost consumers, especially on the west coast, hundreds of millions, even billions of dollars as people raked off profits from their speculating. We are seeing the same kinds of things. I don't know if they are the President's friends doing it anymore, but I know there are people who have gamed the system. That is the reason, with no major international incident in the last 2 years, no major outage of a refinery or fire of a refinery or pipeline disruption, that prices have spiked so much.

It is clear that a Justice Department working for the President of the United States, that is not beholden to the oil industry, might actually take some action on price fixing and recommend an excess profits tax—all the kinds of things we could be doing in this body and that the executive could do. But in this body, we have seen filibusters.

Every time we try to do something on oil prices, every time we try to do something on long-term alternative energy, the Republicans filibuster. They have filibustered more than 60 times. It is approaching 70. I am not sure of the number; it is hard to keep up. They have filibustered more times already in this congressional session than they did in any 2-year session in history by a lot, and they are continuing to do it.

We would love to sit down with my friend on the other side of the aisle and work on real energy legislation and wean this body and wean the White House from their addiction to oil company campaign dollars, and help wean the American people from our addiction to foreign oil. We would love to work on that.

I introduced legislation yesterday that will help to jump-start the green energy industry in this country. It is clear we need to do a lot of that. But the American public is tired of finger pointing. It is time this Congress did more on energy, and that the Republicans, instead of filibustering—there are 51 Democrats in this body; we need 60 votes to do anything because of the filibuster—instead of the Republicans holding together and blocking things, instead of filibustering, let us work together on energy issues and not have the oil companies dictate to this body, as they did for year after year after year.

When I was in the House of Representatives, the oil companies dictated to the House of Representatives leadership, and everybody in those days in the majority party—which was the Republicans then—went along with their leaders on writing an energy bill that had \$18 billion of subsidies and giveaways and tax breaks to the oil industry. Yet they are the most profitable industry in America year after year after year.

Something gives there. It is time for something very different. I want to work together. The finger pointing should end. Let's sit down and do this right, but don't block us to do things that will help stabilize gas prices now and help to bring them down over the short and medium term and long term to come up with a real energy policy so we are not relying on—as my friend Senator MARTINEZ said—not relying on Venezuela and Saudi Arabia and countries that are not so friendly to us.

#### SMALL BUSINESS EMPOWERMENT ACT

Mr. BROWN. Madam President, earlier this week, I spoke on the Senate floor about Cover the Uninsured Week and a bill I was introducing that would increase access to health coverage for small businesses and self-employed individuals—a group we all too often forget about around here. Today I am formally introducing the Small Business Empowerment Act. I wish to discuss this bill in a bit more depth.

First, why is it necessary?

It is necessary because 82 percent—82 percent—of the uninsured work for a living. They have jobs. The overwhelming majority work in small companies—companies with 2 people, 5 people, 20 people—or they are self-employed.

In Ohio, my State—whether you are in Steubenville or Lima, whether you are in Kent or Chillicothe—99 percent of firms with more than 50 workers sponsor health insurance. So if you are at a relatively midsized or larger company, you have 50 or more workers, 99 percent of those firms offer some kind of fairly decent insurance for their employees. That is for companies above 50 employees.

For companies under 50 employees, only 44 percent of those firms do. Many of them are self-employed. Many of them only have 5 or 10 or 15 employees. Small employers who do offer coverage—and most of them absolutely try to—I have talked to small businesspeople from Springfield to Zanesville, from Bellaire to Delphos, and I hear repeatedly from small businesses they want to insure their employees, but it is getting harder and harder and harder. According to the well-respected RAND Corporation—a nonpartisan group that dispassionately analyzes these kinds of things—small businesses saw the economic burden of health insurance rise by 30 percent between 2000 and 2005. And it is getting worse.

The situation is even worse for the self-employed, who must contend with staggeringly high premiums for individual coverage—they don't get any group-rate break—if they can find an insurer even willing to cover them.

In these small pools, if you have 3 employees or 8 employees or you are self-employed, and there is anybody in this small pool of 1 or 20 who has some major preexisting condition, you probably cannot get insurance at all.

In the meantime, health insurers have been living large, their profits increasing by more than a third over the last 5 years—not much different from the oil industry, where the public recoils from staggeringly high gas prices, and the oil industry is making record high profits. The public—particularly small business—is recoiling from higher health insurance premiums and higher copays and deductibles. Yet health insurance companies are doing better and better.

Middle-class families are shouldering the burden of skyrocketing gas prices and ballooning food prices, even as the equity in their homes erodes and the cost of putting their children through college explodes.

It would be ideal if they could afford to pay a king's ransom for health insurance. They cannot. And they should not have to.

With those realities staring us in the face, inaction from this body is the same as indifference.

My legislation attacks the issue of health coverage access from several different directions.

To ensure widespread access, the bill would establish a national insurance pool modeled after the successful Federal Employees Health Benefits program. The FEHB, Federal Employees Health Benefits program, which enables enrollees to choose from a variety of health plans, with rates and benefits negotiated by the Federal Office of Personnel Management, has served Members of Congress and hundreds of thousands of Federal employees well for many years now.

So understand, there are hundreds and hundreds and hundreds of thousands of Federal employees—whether they work in the Celebrezze Building in Cleveland, whether they work in the Office of Management and Budget in Washington, whether they work in Bethesda for the National Institutes of Health, whether they work at Wright-Patterson Air Force Base; any of these Federal jobs—Federal employees are in a huge pool that negotiates price. So it obviously works in a way that keeps rates in check.

Under my bill, an independent contractor would manage a program that looks like FEHB, with a few modifications to accommodate the market segment it would serve. A few of those modifications are designed to hold down costs.

The bill would establish a reinsurance program to pay claims that fall between \$5,000 and \$75,000. That is where small business gets hit the hardest. When 1 or 2 or 3 employees, in a company of 50 or 40 or 30 or 100, get hit with a huge bill of hundreds of thousands of dollars, it affects the entire pool, and it affects everyone's premium and, in many cases, it makes insurance for the small business employer simply out of reach.

This bill establishes a reinsurance program to pay claims that fall between \$5,000 and \$75,000. This approach

minimizes premium spikes and it makes coverage affordable for companies regardless of the age and the health of their employees.

The bill establishes what is called a loss-ratio standard for insurers. This means that insurers would be required to spend most of their premium income on claims, and hold down their administrative costs. We know what happens with small employers: the administrative costs the insurance companies take are typically huge and have a major impact on the per-employee cost of health insurance.

The bill would identify and apply strategies to ensure that providers employ "best practices" in health care, which means they are providing the right care at the right time in the right amount.

Finally, the bill would target price gouging by drug manufacturers and manufacturers of other medical products, including medical devices.

Price gouging occurs in U.S. health care when a company exploits American consumers by charging them dramatically higher prices than consumers in other wealthy nations.

Why are we paying so much more for prescription drugs in this country than the Canadians pay, when the Canadians often are buying drugs manufactured in the United States? It is the same drug, same brand name, same packaging, same dosage. Yet they are paying in Canada sometimes half as much.

In fact, for years, I used to take—when I was in the House of Representatives—busloads of constituents to Canada, about 2, 2½ hours away from Lorain, OH, where I lived, to buy prescription drugs at a pharmacy in Ontario. The same drug, same dosage—everything was the same, except for the price.

Other modifications in the bill are designed to ensure that health coverage is nondiscriminatory. Think about it this way: If your next-door neighbor develops a mental illness such as clinical depression, and you develop a medical illness such as heart disease, why should your next-door neighbor be denied health benefits that you get because that is a mental illness versus a physical illness? We both have paid premiums. Your next-door neighbor and you have both paid premiums to cover your health care costs. You both need health care. Why is one condition—the condition of heart disease—more worthy of coverage than the condition of clinical depression?

My bill charges a group representing providers, businesses, consumers, economists, and health policy experts with rethinking health care coverage to eliminate arbitrary differences in the coverage of equally disruptive, disabling, or dangerous health conditions.

The bottom line is this: We have an opportunity to expand access to health coverage in a way that achieves fundamental goals.

One, we reach populations who cannot find a home in the current insur-

ance system because they are small businesses, typically, or self employed.

We stand up for American consumers who are paying absolutely ridiculous prices in many cases for essential health care.

We demand spending discipline on the part of insurers. They have chosen to play a pivotal role in the health of our Nation. They can live with reasonable limits on their administrative costs, as their profits go up and their executive salaries are in the stratosphere.

We can clean up duplication and random variation in the delivery of health care services.

We can end arbitrary coverage rules that turn health protection into a health care crapshoot.

For the sake of small employers, for the sake of their employees, for the sake of self-employed entrepreneurs—whom we need so desperately in this country to compete globally—and for the sake of every American who did not request, did not sign up for a particular health problem, and should not be penalized for having it, I hope Members on both sides of the aisle will support my legislation.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

#### “MISSION ACCOMPLISHED” ANNIVERSARY

Mrs. BOXER. Mr. President, 5 years ago today, President Bush stood on the deck of the USS *Abraham Lincoln* in front of a banner that said “Mission Accomplished” and he told the Nation that major combat operations ended in Iraq. Those were his words. Now, listening to the radio reports today, I hear that the President's Press Secretary, Dana Perino, said we all—all of America—misunderstood. He didn't really mean the mission in Iraq was accomplished; he was just talking about the fact that the particular aircraft carrier on which he landed, that they had done their mission and that was accomplished.

I don't even know how to react to that. It is beneath the dignity of a White House Press Secretary to reach in that fashion. I will tell you why. I read the speech the President made in its entirety, and I don't see one thing that talks about a mission accomplished by the USS *Abraham Lincoln*, the carrier—not one word, not one thing.

I thought to myself: What would that be like? I thought: Maybe it is as if the Presiding Officer or I were giving a speech on health care, and behind us



we had a big banner and the speech was televised and it said: Health care for all. Health care for all. We gave a speech, and then a few days later someone who saw the speech said: Senator, I am really annoyed about your speech. You said health care for all. I already have my health care. I don't like your system. Leave me out of it.

And I responded in this way: I didn't mean anyone outside this room. I only meant the people I was speaking to in the room—even though I had a sign that said: Health Care For All.

So please, please, let's not make matters worse by distorting the truth any more than it has already been distorted from day one of this national nightmare.

What else did the President say on that aircraft carrier that day 5 years ago today? He said: Other nations in history have fought in foreign lands and remain to occupy and exploit. Americans following a battle—

Listen:

Americans following a battle want nothing more than to return home. Americans following a battle want nothing more than to return home.

He said:

That is your direction tonight.

Five years ago, the President said we won the battle; it is time to go home. Where are we 5 years later? I just heard 48 deaths last month, which is the highest in 6 months. Since that day 5 years ago, 3,922 troops have died in Iraq, including 796 either from or based in California, and almost 30,000 have been wounded. We have spent more than a half billion dollars, and there is no end in sight.

When the President made his declaration, the price of oil was \$26 per barrel. It now stands at \$113 per barrel. Remember, the oil was supposed to pay for the war. Remember. Don't forget, the oil was supposed to pay for the war. That is what the administration told us.

The words, "Mission Accomplished," no matter how somebody tries to torture it, have come to symbolize the dishonesty and the incompetence that took our Nation into an ill-advised war of choice—a war with a price in terms of lives and treasure and our Nation's standing in the world only grows higher and higher and higher with each passing day. We cannot afford it.

We recognize the words, "Mission Accomplished," as part of a sad and familiar pattern, another verse in the same song from the people who warned us the smoking gun could be a mushroom cloud. Remember when Secretary Rice said the smoking gun could be a mushroom cloud, even as they knew it wasn't true. They assured us we would be greeted as liberators. They swore we would be turning the corner and that the insurgency was in its last throes.

Then they said, when we asked why isn't this war over: Well, we need to train enough Iraqis, and when they stand up, we will stand down. We have spent so much training the Iraqis—I

want to make sure I am right on this—\$20 billion we have spent training over 400,000 Iraqis.

I asked General Petraeus: How many al-Qaida are there?

He said: Very few left, a few thousand maybe—not even.

I asked General Petraeus: How many insurgents are there?

He said: In the thousands.

We have trained over 400,000 Iraqi soldiers, but our troops are still dying instead of playing a support role as they should.

I wish to talk about the money that we, the taxpayers, are spending. We are spending \$10 billion a month in Iraq. That is \$2.5 billion a week. That is \$357 million a day. Now, remember, this is all borrowed money and the cost of this is going right to the debt that our grandchildren and their children will have on their backs. The President's policy is being paid for on a credit card, and we are sticking future generations with the bill. That is irresponsible and immoral.

We don't have a plan to get out of Iraq 5 years after "Mission Accomplished." Everybody says this war cannot be won through military means; it has to be won through political means. Yet we sit back, and the Government in Iraq makes very little progress, and they know, because of this President and this administration, they don't have a price to pay for not being effective. They don't pay a price for that, for not solving this politically. They don't pay any price because we are going to be there, and the blood and treasure of this country is on the line.

The President says: Iran and al-Qaida are our biggest enemies. The President of Iraq holds hands with Ahmadinejad of Iran. They kiss each other on the cheek. We spend this money, we lose these lives, our President says Iran is our biggest enemy alongside al-Qaida, and we just keep on sending the money to a government that embraces Iran.

Now, I don't care how you figure this out, it doesn't add up to me. For less than the cost of 3 months in Iraq, we could enroll every eligible child in the Nation in the Head Start Program for a year. For 3 months in Iraq, that is what we could do for our children, and we know the waiting list is long.

For 2 weeks in Iraq we could provide health insurance for 6 million uninsured children for a whole year. The list goes on.

For 7 days in Iraq we could enroll 2.5 million kids in afterschool programs. For 6 weeks in Iraq we could ensure full interoperability of all of our communications systems. We are not protected in America because we don't give our emergency workers the interoperability they need. For the cost of 6 weeks in Iraq we could do that. Oh, no.

For 3 weeks in Iraq we could extend the renewable energy production tax credit for 4 years and see jobs from solar and wind and geothermal energy. We could extend 13 additional weeks of unemployment insurance in this reces-

sion for 1 month in Iraq. The list goes on.

We have given so much on this 5-year anniversary. It is time for a change in this country. We need to tell the Iraqis we will stand behind them, but we are not going to stand in front of them, and we are not going to continue to pay these enormous costs. Our country cannot afford it.

I thank you, and I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## FAA REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2881, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal year 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No. 4627, in the nature of a substitute.

Reid amendment No. 4628 (to amendment No. 4627), to change the enactment date.

Reid amendment No. 4629 (to amendment No. 4628), of a perfecting nature.

Reid amendment No. 4630 (to the language proposed to be stricken by amendment No. 4627), to change the enactment date.

Reid amendment No. 4631 (to amendment No. 4630), of a perfecting nature.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the work done on this piece of legislation to bring it to the floor is a good piece of work. Democrats and Republicans worked together to move toward solving one of America's major problems, and that is dealing with our aviation system. Chairman ROCKEFELLER, Senator INOUE, Senator BAUCUS, Senator STEVENS, Senator GRASSLEY, Senator HUTCHISON, and their staffs understood that ensuring the safety and efficiency of America's air traffic is too important to fall victim to politics, slow walking, or obstruction. It even appeared for a while that this bill was on the path to a relatively smooth and easy final passage.

But now our Republican colleagues have signaled that they plan to let this bipartisan legislation fall victim to more obstruction. We could have moved to the bill yesterday, but the Republicans wouldn't let us do that. They forced us to spend more valuable legislative time not legislating, not trying to strengthen our country for the American people but simply overcoming procedural roadblocks that have been thrown at us time after time.

As we have said on a number of occasions, but certainly it is worth saying again, Republicans broke the 2-year filibuster record in the history of this Senate in just 10 months. We are now up to 68 filibusters. That is not normal filibustering, it is filibustering on steroids.

Democrats want to change our country for the better. We want to change the status quo. We have an economy spiraling into recession. Gas and oil prices are at a record high. We have the war in Iraq that 70 percent of the American people want to end. The problems we have faced and now face can't be solved easily.

But it would not be solved at all if Republicans refuse to let us legislate. The distinguished minority leader raised questions about offering amendments to the aviation modernization bill. As I said several times yesterday, we welcome their amendments. We want them to offer amendments. We understand there is a Bunning amendment dealing with turning coal into aviation fuel. I don't know much about that, but it is something that appears to be germane and relevant to the bill. We should start to debate that amendment. But it appears no matter what I suggest, it is obvious the Republicans don't like this bill and are not going to let us pass it.

It is my understanding that today they are concerned about at least two provisions in the bill. One deals with strengthening the passenger rail system we have in America and also doing something about the depleted highway trust fund, which is leaving States with no money to do road repairs, construction, and modernization. If that is the case, it seems to me the logical thing to do is to offer an amendment to take those provisions out of the bill.

Long ago, when I was an assemblyman in the Nevada State Legislature, it didn't take long to understand that if you don't like something, just move to take it out. If you can muster the votes, that works. If your amendment doesn't pass, at least everybody knows you have tried. Here the Republicans don't even try. They want to just kill things by doing nothing.

I told my Republican counterpart that Democrats are making every effort we can to allow amendments to be offered. We welcome relevant amendments on both sides of the aisle. That is how the legislative process is supposed to work. I even offered to the Republican leader that we can sit down and let him help me be the gatekeeper of what amendments should be offered. That is fair.

Do I want to avoid amendments that have nothing to do with aviation? I don't even care much about that. I want to move this bill forward. The Republicans' obstruction and claims of unfair dealings are not reflective of the facts or reality. I made it clear that the amendment process will be fair, open, and take place in the light of day. This legislation is far too impor-

tant to fall victim to the gamesmanship we are now seeing. Air travel is about getting from point A to point B, such as going from Las Vegas to San Francisco or from San Francisco to Chicago. That is what it is about—connecting to family and friends, getting goods to businesses, and connecting Americans to the global community.

The Federal Aviation Administration is facing challenges like they have never faced before. A record 770 million passengers flew on U.S. commercial airlines in 2007—nearly double the number who flew just 20 years ago.

If these trends continue, the FAA told us we will have 1 billion passengers in just 12 years.

Las Vegas-McCarran International Airport—the fifth busiest in America—now hosts 4 million passengers every month. At this rate, McCarran will reach maximum capacity in the next 3 to 5 years.

Every American who flies understands what this new congestion means: longer lines, more delays, and a more stressful, less efficient trip.

If growth in air travel in Nevada and throughout America is managed correctly, it represents a tremendous opportunity for airlines, tourism, and our economy. But the risks we face if we don't bring our aviation infrastructure up to speed are clear: Americans could be put at greater risk, our economy could suffer, and air travel could grind to a halt.

This Aviation Investment Modernization Act will help ensure that we manage this growing challenge. It will help passengers take off sooner, land safer, help commerce flow with fewer interruptions, and help carriers lower their fuel costs—which will save us all money.

The Aviation Investment Act will make air travel safer by upgrading aging airport infrastructure, enhancing oversight of airlines and the Federal Aviation Administration, and improving runway safety. There was an article within the past week that most airline accidents—the close calls—are on runways, not in the air.

Right now, the GPS in your car is more sophisticated than the system that guides your flight in an airplane. That is why this bill modernizes an obsolete air traffic control system with modern technology. That is why this bill requires airlines to give passengers better information about arrivals and delays. That is why the bill incorporates elements of the passenger bill of rights to protect consumers and deal with the most egregious flight delays and cancellations. That is why this bill does things that make air travel safer.

As Americans take to the skies in record numbers, they deserve to know the Government is doing everything possible to keep them safe. This legislation will give the American people that confidence. It will also make flying not only safer but less stressful, more efficient, and more enjoyable.

We must not let a crumbling infrastructure grind our economy to a halt. That is what it is doing.

I urge my colleagues, once again, to put politics aside, put obstruction aside, and work with us to pass the Aviation Investment Modernization Act.

Mr. President, if somebody wants to offer an amendment to this bill, they can come down and do that. They can play all the political games they want, saying: Senator REID filled the tree. This is something that is way inside the beltway, Mr. President. On this vehicle now before the Senate, people can offer amendments. All they have to do is come and give us an idea of what the amendment is. I have been in the Senate a long time, and it is no new theory that you would like to know what the amendment is. We always give our amendments to the minority and say here is what it is going to be. They should see it firsthand. This does not prohibit them from doing that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4636

Mr. REID. Mr. President, I move to commit the bill to the Finance Committee with the instruction to report back forthwith, with the following amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID) moves to commit the bill to the Committee on Finance, with instructions, with the following amendment:

The provision of this act shall become effective 2 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4637

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "2" and insert "1"

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



## SPENDING RECORD

Mr. GREGG. Mr. President, I rise to respond to some attacks relative to my integrity which were run today in a New York newspaper—I think it was the Daily News—which I presume were energized and orchestrated by the staff of the leadership—the Senate office of the senior Senator from New York. The editorial could not have had the fact pattern that it had, had it not been fed that information from the senior Senator's staff. So I think it is appropriate to respond to it.

It implies, obviously, that I am inconsistent in my views on how I approach spending in this Congress. I think that will come as a surprise to most people in this Congress because I doubt anyone in this Congress—I am sure there are a few—does not think my record in trying to control spending and having some resistance to spending which I feel is inappropriate is fairly strong.

As chairman of the Budget Committee, I tried to discipline spending. I tried to make our Government more affordable for our children. I tried not to pass on to our children debts which they should not have to bear so our children can have the opportunity to live as fulfilling a life and have as high quality a life as we have had.

There is in this bill a proposal to spend \$1.6 billion on an air train to Kennedy Airport. That is not an aircraft issue. It is clearly an add-on. This proposal is, ironically, paid for using the Tax Code in a very ingenious way. It gives a credit to the State of New York, or the city, for taxes which they don't pay over a period of time, which is fairly extensive. I think it will run into the period 2020. That credit totals about \$1.6 billion, \$1.7 billion. It is, under any scenario—I did not use this term when I spoke about it first, but I will use it now—it is under any scenario an earmark, and not a very good earmark, to say the least.

The representation is that my opposition to this is an attack on the efforts of this country to address the very serious and legitimate and appropriate concerns of the city of New York that resulted from 9/11.

After 9/11, the people of New Hampshire and the people of this Nation were committed and remain committed to making sure the city of New York is made whole, to the extent it can be. Obviously, it could never be after such a horrific event. We in our State were happy to take our tax dollars and put them toward the city to try to address those problems, and I voted for that. And we in our State were happy to support efforts to rebuild and continue to be happy to support efforts to rebuild Ground Zero because that is a place which has taken on sacred meaning to our Nation. But we are not interested, in New Hampshire—and I suspect most American citizens are not interested—in using dollars which were supposed to be used for 9/11 to help out some other, maybe a legitimate need—but I don't

know whether it is—in the city of New York, and that is building a train. I call it the train to nowhere. It is a bit of an exaggeration, but since I was trying to put it in the context of an earmark that was of a questionable purpose, that seemed like a reasonable term to use. That has become sort of like the term “Xerox” when you talk about an earmark about which you have serious questions. But building this air train to Kennedy Airport—by the way, I understand there is some significant disagreement within the city about whether it should even be built, but certainly it should not be on this bill as an attempt to basically get around an authorizing process or a process which would air whether this earmark is appropriate.

It should also not use a brand new exercise in tax policy, which is totally inappropriate, of basically using the tax laws in a way that creates an earmark by saying that you get a credit for a tax you don't even have to pay. That is very bad precedent—horrific precedent, quite honestly.

This earmark should see the light of day, and I don't think it can be defended on the grounds of 9/11. In fact, I think that really does serious damage to the historic and very human perspective of 9/11. To try to defend building an air train to Kennedy Airport and stand behind 9/11 as your reasoning, and then claim, in a way that is most inappropriate, in my opinion, if somebody opposes that proposal, they are attacking the memory and the purpose and the sacredness of the 9/11 event and the Ground Zero reconstruction, is just, even by New York standards of exaggerated politics, carrying it a step too far—more than a step too far, in my opinion. But that is what was done here.

An earmark was created for something which has only marginal relationship to even downtown Manhattan—I guess you have to get there from Manhattan, so I guess it has a relationship—certainly no nexus with Ground Zero from the standpoint of an air tram construction to Kennedy Airport. Using the tax laws in an abusive way to generate this earmark and then claiming, when anybody raises the question of the legitimacy of it, that they are somehow acting in a way that is inconsistent with the commitment to the rebuilding of New York after 9/11 and they are degrading the name of the 9/11 event is beyond the pale.

But that seems to be the goal, the style, and the approach of at least the people who fed the information to the paper—which I presume was the staff of the senior Senator from New York. Maybe it was not his staff. I would like him to come down here and deny it if it wasn't. I would like him to come to the floor and deny it if he didn't basically give this information and set the tone of this position because, very clearly, in my opinion, he has.

Let's return to the fact pattern as it exists. I will stop using the term “train

to nowhere” because I can understand how that might irritate. I will accept that term was probably inappropriately applied. I will call it an earmark, a very questionable earmark for a lot of money which does not flow from the original commitment, in my opinion, to the rebuilding of New York—which the citizenry of America made and which we were happy to stand behind.

In fact, ironically, the plans for this train, this elevated train, were begun in 1998, and the actual commitments that this train would go forward, as I understand it, were discussed as early as 1988. The claim this is tied into Ground Zero is to extend credibility quite a bit, in my opinion. To hide behind that and use it in such a personal way which basically questions another Member's integrity is obviously inappropriate.

I think the Senator may have the votes to support his proposal to raid the Tax Code for \$1.6 billion. Maybe he has the votes to do that. But it should not be on this bill. It is not an airplane issue. I can tell you right now, if I have anything to say about it, this bill is not going to move forward as long as it is on this bill.

It had not been my intention to engage at this level, but, as, you know, people from New Hampshire know how to play politics. We know how to deal in this Chamber as well as people from New York. We may be from the country, but we know how to engage. It appears engagement has been called upon, so let us go forward and see who is right, see who has the equities on their side, and determine whether the American people believe building a train which was designed in 1988, was committed to, I believe, in 1998, about which there is considerable discussion whether it should even be going forward, which is an elevated train to an airport in, I believe, Queens, is an appropriate use of \$1.7 or \$1.6 billion of their hard-earned income. Let's see what happens on that issue.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I remember those days in West Virginia when all the major airlines operating large jet aircraft served all of West Virginia's airports—jets, actual jets coming into West Virginia. Airline deregulation was a terrible mistake. It changed the very nature of air travel in this country for all. For millions of Americans in large urban areas, it ushered in an era of affordable air traffic. A trip to New York and Los Angeles went down. In fact, at a number of points, it became much cheaper to go

to Los Angeles from New York than to go from West Virginia to Washington. But for West Virginia communities, it meant a loss of service and convenience and often higher prices. It seemed to me that the big jets disappeared from West Virginia within days of deregulation. I remember those nice American, United, and Eastern jets sitting out there on the tarmac, people piling on. Deregulation—boom, they were gone.

For 30 years, small and rural communities have had to cope with very limited and unreliable service. The Presiding Officer knows exactly what I am talking about. Over the last several years, these problems have been exacerbated by the weakened financial condition of the U.S. airlines, which is what this whole effort to get a bill going is about.

After September 11, dozens of communities saw a dramatic decrease in the level of air service. It was measurable, noticeable, and depressing. Many lost service altogether. As the industry recovered from the dramatic downturn in the air traffic that tragic day sparked, small communities did not see the benefits of that resurgence because once they dropped something, it was easier to keep it dropped rather than to help.

Small community air service is facing an unprecedented crisis. If we fail to act to address this problem, dozens of small communities across our Nation will face a future without air service. Consider that for a moment—small communities, viable industries, institutions, people who count. Americans are born equal, but then some don't have air service. That is what we have now. Without access to reliable air service, we throw into question their economic future.

I do not come to the Senate to represent the diminution of possibilities for West Virginia's economic future. I have spoken about the weakened financial condition of our major airlines. But we must also recognize that small regional carriers that provide the air service to rural States such as West Virginia and Montana and parts of Ohio, I am quite certain, also provide the vast majority of air service to midsize communities across the country, and they are teetering on the brink of collapse because of high fuel prices.

As Senator BAUCUS knows all too well, small airlines across the West have folded, leaving at least 17 communities with no air service at all. Seventeen communities would sort of make up the entire State of West Virginia. That is a terrible blow. So few regional airlines are willing to initiate service to small, isolated communities that, when one withdraws service, it is very hard to find replacement air service. In most cases, it is impossible. Hundreds of small and rural communities across our country are facing drastically reduced air service because of this financial turmoil in the industry. Even in

the best of times, these communities face a difficult time maintaining and developing new air service options. Today, their challenge is preventing the complete loss of air service. That is effort No. 1: Hold on to whatever you might have. No matter if it is one flight a day, hold on to it. Fight for it.

I strongly believe the Federal Government must continue to assist our most vulnerable communities stay connected to the Nation's aviation network, a network paid for by all Americans.

The reduction or elimination of air service has been devastating in terms of its effect on the economic well-being of many of our communities across the country. Having adequate air service is not only a matter of convenience, it is a matter of economic survival. Without access to reliable air service, businesses will not locate their operations in these areas of the country, no matter how attractive the quality of life or the quality of the workforce. We have, for example, extremely low housing prices, low property taxes, and an extraordinarily highly productive workforce, with an average in manufacturing of 1 percent annual turnover. That is almost unheard of. Airports are economic engines that attract critical new development opportunities and the people who can make those things happen or continue to grow.

West Virginia is a very good place to do business. Toyota and a number of other large industries, chemical and otherwise, have found that out. I can proudly state that countless large U.S. and international companies have facilities in my State. I can even point out that 20 Japanese companies have industries in the State of West Virginia, three in Wayne County, which the Presiding Officer is familiar with. From West Virginia, a business traveler can get to seven airline hubs and from these seven cities can get to any point on the globe. One-stop service to Tokyo, London, Dubai is critical if my State is going to compete in the global economy. West Virginia has been able to attract firms from around the world because corporate executives know they can visit their operations with ease. That is why we have air service. Rural and smalltown America must continue to be adequately linked to the Nation's air transportation network if its people and businesses are to compete with larger urban areas and around the world.

When Congress deregulated the airline industry, we promised small and rural communities we would make sure they would remain connected to the aviation system. We have failed in our commitment to those promises. The Essential Air Service Program, which Congress established when we deregulated the airline industry, is not a huge program, but it provides money to attract airlines into smaller communities and is incredibly valuable.

But, on the other hand, the essential air service has never met the true

needs and expectations of rural air service or the necessary requirements of rural air service.

In West Virginia, the essential air service has often been plagued by high fares and limited, sporadic service. For 10 years, I have worked to strengthen small community air service. I do that because I represent a rural State with hard-working people who have an enormous desire to succeed and to work and are deprived of what many other Americans take for granted. That is not fair in Internet connection; you cannot have a rural and urban divide. It is just as true in airline service; you cannot have urban doing well, rurals being left out because we are all Americans, all created by God to be equal.

So I have worked to strengthen small community air service. In the Aviation Investment and Reform Act for the 21st Century, which Congress enacted into law in the distant past of the year 2000, we began to address the need to improve air service in small and rural communities.

I, along with many of my colleagues, supported the creation of something called the Small Community Air Service Development Pilot Program, a competitive grant program to provide communities with the resources they needed to attract new air service to their town. We try everything we can. We try absolutely everything we can. Over 100 communities now have used these grants to secure and retain new air service options. That is good.

I wish to highlight two success stories which happened in my State. Charleston received money under the program I have described and has used it successfully—Charleston is our capital—they have used it very successfully to attract a new service connection for our chemical industry to Houston. Why is that important? Well, our chemical companies do a lot of the training of their people in Houston and then they come back and they work in our chemical companies. Air service to Houston gave West Virginians an important gateway, in addition, therefore, to the markets of Latin America.

Over the past 2 years, Tri-State Airport in Huntington has been reborn because of the money it received under this Small Community Air Service Development Grant Program. Prior to attracting a low-cost charter operator, the airport had seen a steep decline in the number of passengers using the airport. With fewer passengers, airlines cut back flights. Fewer flights meant fewer passengers. It was a death spiral.

Once the community was able to secure a grant, matched with almost as many local dollars, airport officials were able to attract a new carrier that served the critical markets local residents wanted. For the first time in 20 years, large jets roared off the runways in West Virginia, in Huntington. The airport will have 100,000 passengers pass through its gates for the first time in decades.

Now, that is not very impressive if you are from New York or Los Angeles,

but in West Virginia it shakes the world, and it gives people new hope. I was there when all this happened, and you could see a new sense of vigor and determination in the population. Air service attracts community ambition.

Improving air service must be a collective effort. Communities are most successful in creating new air service options when everyone—including the Federal and the State governments, airports, airlines, businesses, and citizens—works together to attract, promote, and use the service.

One of the things we learned the hard way in West Virginia was you cannot treat an airport similar to something which is out there which people will automatically go to. We used to have a lot of our people from Charleston driving all the way to Cincinnati and actually not understanding that the cost of traveling to Cincinnati and the fuel and the overnight and all the rest of it actually did not give them that much of a financial break, but they looked at the cost of the airline and off they went. So 16 percent of Charleston's traffic disappeared.

I am now proud to say West Virginia communities have been able to use this important program to rethink their air service needs, to think about marketing airports. You market airports like you market anything else. People have to be aware of it. You have to attract people to it. It is not something which is there. It is something which has to sell itself. LaGuardia does not have to do that. Newark does not have to do that. In West Virginia, we have to do that, and we are doing that.

The FAA bill that is before us extends the authorization for these important programs for 4 more years.

Four West Virginia commercial airports rely solely upon the Essential Air Service program for any service at all. We are extending that and enlarging the amount. No community wants to be dependent on essential air service. It is not a badge of honor. But it is a fact of survival. But for many, it is their only option to maintain air service.

But as I mentioned earlier, the program has not met the needs of many communities. In 2003, as part of the last FAA reauthorization bill, I created a number of new voluntary pilot programs for essential air service communities. I modeled these initiatives after the Small Community Air Service Pilot Program by focusing on incentives rather than punitive approaches.

Under this new plan, a community could receive funds to develop its own marketing plans rather than rely on the airline for one. It could use funds to increase service levels, opt to use different types of aircraft or investigate the use of alternative transportation service. In other words, it said: What is our problem? What are we going to do about it? We cannot wait on other people. We have to make these decisions ourselves. We are doing that in West Virginia.

This year, we have added a number of provisions to strengthen the Essential

Air Service program. We have increased the authorization level for the program by \$58 million to \$175 million a year. We have included provisions to help carriers that provide the essential air service so they can meet the cost of high fuel. It is essential. We have increased the flexibility of the program even further so communities can work with the Department of Transportation and air carriers to find air service that works for them.

Small and rural communities are the very first to bear the brunt of bad economic times. It has always been so. It shall always be so. The Presiding Officer knows exactly what I am talking about. We are always, in West Virginia, at the end of the food chain on everything. We understand that. We do not like it, but that is our current destiny, and so that is why we have to fight harder and try to be more imaginative.

The general economic downturn and the dire straits of the aviation industry have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources for small communities to help themselves attract air service. If you have to do the work yourself, you do it. You just do it. The Federal Government must make sure our most vulnerable towns and cities are linked to the rest of the Nation. It is an easy statement to make, but it is a huge statement. We have an obligation in this country to make sure all of our communities and our people are linked to the broad air service opportunities, hubs and spokes. It has to happen.

My legislation builds on existing programs and strengthens them. We must continue to provide our constituents the tools and resources necessary to attract air service, and we are doing that.

So, in closing, I should say a subsidy alone does not solve the problems of small community air service. If our constituents do not use that service, or the airlines take it away—airlines cannot operate unprofitable flights or flights that are marginally profitable, for which they could do better elsewhere. They make a little bit of money or they do not make a little bit of money, and they are gone because their situation is so dire.

I do not know what the future of the U.S. airline industry will look like in 6 months, but our Nation needs a strong airline industry. Our communities need to be connected to the aviation system.

That is why we are going through this most extraordinary exercise of no amendments to be voted on, a good deal of time to sit and talk, a great deal of frustration. But we are trying to pass something called the Federal aviation bill that will provide service to our people. If there is anything in the national interest, it is that. I will not go so far as to say it is more important than the interstate highway system, in terms of economic development and also reaching out to the world,

which all our States need now to do on a two-way basis.

So we fight. We continue to fight.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Georgia.

Mr. ISAKSON. Madam President, while the distinguished Senator from West Virginia is on the floor, I wish to, first of all, commend him for his efforts on behalf of aviation in the United States. I associate myself with his remarks about rural and underserved areas. I associate myself with all the remarks he made in support of our aviation system.

I am one of those people who are frustrated with our inability to deal right now with amendments. I understand a substitute was offered last night and the tree was filled so there are no germane amendments that were—the amendments that were filed yesterday are no longer germane; am I correct?

Mr. ROCKEFELLER. Madam President, I say to my good friend, the Senator from Georgia, things have changed a bit this morning and decisions are being made on that side of the aisle that will determine whether we can move forward. I am hopeful about that process.

Mr. ISAKSON. Madam President, in the hopeful event we can move forward, I wish to, for a minute, with the distinguished Senator, make him aware of an amendment I submitted yesterday but is not pending. It cannot be pending right now. I agree with the Senator entirely on the importance to the American economy of U.S. aviation. In the bill they put out, there is one element that was not addressed that I think should be.

On December 31 of this year, the United States providing terrorism insurance to the airlines sunsets. If it is, there will be no access to terrorism insurance by U.S. domestic carriers because the only private insurers that will offer terrorism insurance offer it with an advanced cancellation provision, which basically means if we went to a code level orange or a code level red, the insurance company in advance of a terrorist attack could actually cancel the insurance. So the aviation industry would be without insurance.

Our competition in Europe does not have that problem. They still have private insurance available for coverage of aviation terrorism. I submitted an amendment yesterday that would extend the date of December 31 of this year—which is the expiration date—to make it December 31, 2011, so airlines can continue to pay the U.S. Government for insurance against terrorism.

If my understandings are correct, those premiums totaled \$160 million in the last year and are a revenue source to the United States of America, as it should be. We should not be providing it without cost.

So I would hope, when the meetings that are going on are concluded, and if

we can get back to the base bill and if amendments again become relevant, that the distinguished Senator from West Virginia, the Senator from Alaska, and the others who have worked so hard on this legislation will look favorably on an extension of terrorism insurance availability to domestic U.S. carriers.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I say also to my very dear friend from Georgia with whom I have a long and wonderful background because of his strong reaction to our plight in West Virginia with the coal miners—he doesn't have coal in his State but he came into our State and adopted it as his own and we adopted him.

I also wish to tell him that what he is suggesting is something I very much support.

AMENDMENT NO. 4642 TO AMENDMENT NO. 4637

Madam President, I believe there is an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4642 to amendment No. 4637.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "1" and insert "3."

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTHY AMERICANS ACT

Mr. WYDEN. Madam President, there is now an historic coalition here in the Senate, a group of 14 Senators. Seven Democrats and 7 Republicans are sponsoring a health bill guaranteeing all Americans quality, affordable health care coverage. There has never been such a coalition in the history of the Senate.

Today our group got some historic news. The Government's go-to officials for budgeting and taxes have thrown decades of conventional wisdom into the trash can. They have informed our group that all Americans can have quality, affordable health care coverage without breaking the bank.

Briefly, here is what the Congressional Budget Office and the Joint Committee on Taxation have found.

They found that our legislation, the Healthy Americans Act, can be up and running in 2012. They found the legislation would become budget neutral in 2014. That means our legislation is self-financing in the first year that universal health care coverage would be fully implemented in our country. In the years after 2014, because the legislation holds down health cost increases, it starts to generate budget surpluses for the Federal Government.

This analysis is fresh, independent evidence that health care can be fixed without massive tax increases or boatloads of additional Government spending. It is a chance, in my view, for Congress and our country to look at the issue of health care reform with fresh eyes, because what the Congressional Budget Office and the Joint Committee on Taxation have analyzed doesn't involve a set of lofty principles or some of the oratory from the campaign trail, but it is actual legislation.

Because this report is a historic document, I ask unanimous consent that the letter dated today from the Congressional Budget Office and the Joint Committee on Taxation be printed in the RECORD. The report is available on the CBO Web site [www.cbo.gov](http://www.cbo.gov).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 1, 2008.

Hon. RON WYDEN,  
U.S. Senate,  
Washington, DC.

Hon. ROBERT F. BENNETT,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS: At your request, the staffs of our two organizations have collaborated on a preliminary analysis of a modified proposal for comprehensive health insurance based on S. 334, the "Healthy Americans Act," which you introduced last year. That modified proposal includes various clarifications and changes that you have indicated you would like to examine as part of the consideration of that bill. Attachment A summarizes our understanding of your modified proposal.

The staffs of the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) have worked closely together for the past several months to analyze your modified proposal; this collaboration reflects both the novelty of the undertaking and the intimate connection between the revenue and expenditure components of this proposal. We have summarized our conclusions in this joint letter; its purpose is to give you preliminary guidance regarding an approximate range of revenue and cost results that might be expected from your modified proposal. This joint letter does not constitute and should not be interpreted as a formal estimate of your proposal's budgetary impact, which—for the purposes of scoring under the Congressional Budget Act—would ultimately be provided by CBO and would incorporate revenue estimates prepared by the JCT staff.

The basic thrust of your modified proposal is to require individuals to purchase private health insurance and to establish state-run purchasing pools and a system of Federal premium collections and subsidies to facilitate those purchases. The system's premium collection and subsidy mechanisms would be based largely on income tax filings, and the required benefits would initially be based on

the Blue Cross/Blue Shield standard plan offered to Federal workers in 2011 and then allowed to grow at the rate of growth of the economy. Although employers would have the option of continuing to offer coverage to their workers, nearly all individuals who were not enrolled in Medicare would obtain their basic health insurance coverage through this new system. Most enrollees in Medicaid and all enrollees in the State Children's Health Insurance Program (CHIP) would have their primary insurance coverage shifted to the new system.

Your proposal also would replace the current tax exclusion for employer-based health insurance premiums with a fixed income tax deduction for health insurance. (In addition, employers that had provided health insurance would be expected to "cash out" their workers—that is, to increase workers' wages by the average contribution that the employers would have made for their health plan.) The proposal also would require new tax payments from employers to the Federal government and further would seek to recapture the savings to state governments from reduced expenditures on Medicaid and CHIP.

There are several important distinctions between the proposal we analyzed and S. 334 as it was introduced. For example, our analysis was limited to the operation of the new health insurance purchasing system and did not take into account most of S. 334's provisions regarding the Medicare program or other provisions that would not directly affect the new system. More fundamentally, the modified proposal would tie the premiums collected through the tax system—as well as the premium subsidies for lower-income households—to the cost of the least expensive health plan available in an area that provided required benefits, not to the average premium amount, as under S. 334. Furthermore, the value of the new tax deduction would not vary with the premium of the insurance policy that was actually purchased, and the schedule of employers' payment rates would range from 3 percent to 26 percent (rather than 2 percent to 25 percent) of the average premium. Attachment B describes in more detail the main differences between your modified proposal and S. 334.

The preliminary analysis reflected in this letter is subject to three important limitations. First, the staffs of both JCT and CBO are in the process of enhancing our capabilities to estimate the effects of comprehensive health care proposals. Improvements in our methodologies or more careful analysis of your modified proposal's provisions—particularly as you translate those concepts into formal legislative language—could change our assessment of its consequences.

Second, any formal budget estimate will reflect the macroeconomic assumptions and the baseline projections of current-law tax and spending policies in effect at the time it is issued. That baseline could differ materially from today's baseline.

Third, we focused our analysis on a single future year in which the proposed system would be fully implemented. For that purpose, we settled on 2014, the sixth year of the current 2009–2018 budget window. Under an assumption that the proposal is enacted in 2008, that timeline for full implementation seems to us to be achievable but could be optimistic, as we expect that it would probably take until 2012 for the new system to begin operation, and several years after that for various phase-ins and behavioral adjustments to take place. The new system would involve temporary net budgetary costs in its initial years; we have not analyzed the magnitude of those early-year transition costs.

Overall, our preliminary analysis indicates that the proposal would be roughly budget-

neutral in 2014. That is, our analysis suggests that your proposal would be essentially self-financing in the first year that it was fully implemented. That net result reflects large gross changes in Federal revenues and outlays that would roughly offset each other.

More specifically, under your proposal, most health insurance premiums that are now paid privately would flow through the Federal budget. As a result, total Federal outlays for health insurance premiums in 2014 would be on the order of \$1.3 trillion to \$1.4 trillion. Those costs would be approximately offset by revenues and savings from several sources: premium payments collected from individuals through their tax returns; revenue raised by replacing the current tax exclusion for health insurance with an income tax deduction; new tax payments by employers to the Federal government; Federal savings on Medicaid and SCHIP; and state maintenance-of-effort payments of their savings from Medicaid and SCHIP. Attachment C provides more information about the approximate magnitudes of those components.

For the years after 2014, we anticipate that the fiscal impact would improve gradually, so that the proposal would tend to become more than self-financing and thereby would reduce future budget deficits or increase future surpluses. That improvement would reflect two features of the proposal. First, the amount of the new health insurance deduction would grow at the rate of general price inflation and thus would increase more slowly than the value of the current tax exclusion.

Second, the minimum value of covered benefits that all participating health plans had to provide would initially be set at the level of the Blue Cross/Blue Shield standard option offered to Federal workers in 2011 (we assume that the system's inaugural year would be 2012); but under your proposal that average value would from that point forward be indexed to growth in gross domestic product per capita rather than growth in health care costs. Because Federal premium subsidies would be based on the cost of providing that level of coverage, the cost of those subsidies would grow more slowly over time.

We hope this analysis is useful to you. Not surprisingly, a number of uncertainties arise in attempting to predict the effects of such large-scale changes to the current health insurance system. Although we have provided a range of results that reflect our current expectations about likely outcomes, actual experience—and the results of a formal cost estimate—could differ substantially in either direction. If you have any questions about this analysis, please do not hesitate to contact us; the staff contacts are Pam Moomau and Nikole Flax for JCT and Philip Ellis for CBO.

Sincerely,

PETER R. ORSZAG,  
*Director, Congressional Budget Office.*  
EDWARD D. KLEINBARD,  
*Chief of Staff, Joint Committee on Taxation.*

Mr. WYDEN. Madam President, I wish to touch on a few points with respect to this report. Obviously, the key to fixing health care is to contain costs. Our bipartisan legislation does that by making sure all Americans have more clout in the marketplace. We achieve that by making sure that everyone goes into a big pool, because if they are off by themselves, they don't have a lot of ability to get the

best deal for their health care dollar. But if they belong to a bigger group, they have a lot better chance of containing costs. We cut the administrative costs of health care. We use a State and regional pooling approach that has been found to cut administrative costs. We get patients out of unnecessary hospital emergency room visits because more would get seen on an outpatient basis. We make progressive changes in tax law and we empower consumers, because for the first time, if they have employer-based health coverage, they could actually find out what is being spent on their health care. Right now, basically all they know is they are not seeing their wages go up because health care costs are eating up all of the employers' resources. We think making sure that the worker knows what is being spent on health care provides them a new set of opportunities to get more for their health care dollar.

My view is that today's health care system is largely driven by employers and insurance companies. Clearly, there is a significant role to play for them. But what we do in our legislation is provide a bigger role for individuals and especially their health care providers—the thousands of doctors and nurses and physician assistants. We make sure that everybody under our legislation could have a health care home. So instead of being lost in an incredibly complicated health care system, there would be one person who would coordinate each individual's care.

A big part of what we are doing in this bill is to modernize the employer-employee relationship in the health care field. What we are doing in 2008 in health care as it relates to employers and employees isn't much different than what was done in 1948. The Chair can remember all of the efforts of President Truman to make changes in American health care. So we modernize that relationship. We continue to let employers who choose to offer coverage, but we give the workers more choices with respect to their health care and we give the employers much needed cost relief, which is especially essential at a time when they are competing in tough global markets.

I want to mention all of my colleagues who are sponsoring this legislation with me. Senator BENNETT of Utah, a member of the Republican leadership, is the principal cosponsor. Senator BENNETT's knowledge of economics, in my view, has few equals and I could not have a better partner for this whole effort. We have seven Democrats and seven Republicans who are on the effort. I am particularly pleased that so many from the Senate Finance Committee, where Senator BAUCUS and Senator GRASSLEY have worked in a bipartisan tradition for years, are part of our effort. From the Senate Finance Committee we have Senator GRASSLEY and Senator CRAPO and Senator STABENOW cosponsoring the legislation,

all of them making a great contribution in this area.

As we go forward in the days ahead, Senator STABENOW's expertise and interest, particularly in health information technology, is going to be instrumental. For example, Dr. Orszag, the director of the Congressional Budget Office, who brings great professionalism to this effort to look at health care, this morning when he briefed eight of us in the Senate on the legislation, mentioned the fact that the evidence suggests as much as 30 percent of the health care dollar is spent in a fashion that produces very little value. So what Senator STABENOW is trying to do with health information technology, electronic medical records, and other innovative approaches is to wring more value out of every health care dollar. Her contribution is so very important.

Senator GRASSLEY and I have worked together on many health care issues. Of course, the partnership we have on the Finance Committee between Chairman BAUCUS and Senator GRASSLEY is a very rare and a very beneficial alliance here in the Senate, and I so appreciate Senator GRASSLEY's involvement.

Senator CRAPO is my partner in the West who has a great interest and longstanding involvement in rural health care, and we are very pleased that he is an additional voice on the Senate Finance Committee for the legislation.

I would also like to credit the other Senators who are involved. We are very pleased that Senator LANDRIEU, who is helping to reinvent health care in her State as a result of destruction caused by Hurricane Katrina and all of the challenges they face, has been particularly interested in and creative in thinking about opening up new opportunities for entrepreneurship in her State and elsewhere. Senator LANDRIEU correctly points out that if you modernize the employer-employee relationship in health care, that is going to mean we are going to have more entrepreneurs. It is going to be good for business. It is going to be good for our economy. We are going to be able to grow our economic base in the country. Senator LANDRIEU argues very eloquently, in my view, that if you provide some cost relief for the employers who got into the business of driving health care by accident in the 1940s, you are going to be able to create jobs and strengthen our economy.

Senator NELSON, a former insurance commissioner, is one of our cosponsors. He has great expertise in insurance regulation. In fact, he pointed out this morning some of the tools that are going to be necessary to prevent price gouging in health insurance and is making a great contribution there.

Senator LIEBERMAN has a long-standing interest in this and is a cosponsor. Of course, his involvement is particularly critical because his State is a center of health insurance and technology and there are a variety of major economic concerns involved.

We are very glad to have Senator GREGG, who is the ranking member on the Budget Committee and a driving force on keeping down health costs to make health care more affordable and available to all. We're also pleased to have the support of Senator INOUE, who as chairman of the Defense Appropriations Subcommittee, has shown his leadership in health care research for our soldiers and sailors with benefits for all Americans. We also appreciate the support of Senator CORKER, who has been a leading advocate for reforming the tax code to make health insurance more available and affordable. And we're grateful for support from Senator COLEMAN, who has the world renowned Mayo Clinic in his state and himself has been a leader in the area of health technology. And we are especially pleased to have the support of two former governors, Senator CARPER and Senator ALEXANDER. The Healthy Americans Act gives a major role to the states in reforming our health system and it's critical to have the support of Senators with the knowledge of state government and executive leadership experience they have supporting our legislation. It is a group unlike any other we have seen in the history of the Senate. Fourteen Senators—seven Democrats, seven Republicans—actually cosponsoring together a piece of legislation that will guarantee all Americans affordable, good quality coverage.

This legislation ensures that all of our people have choices such as we have here in the Congress. We have choices among a number of very good private sector packages. It ensures that coverage for the first time will be portable. You can take your coverage from job to job to job, which is something that millions of Americans desperately want.

It is our future. The fact is that today, by the time you are 35 years old, you are likely to change your job 7 times. Yet the system almost locks you into your present position. You cannot move. You cannot go to another opportunity. I think to have a portable health system where you can take your coverage from job to job to job and not worry about losing your coverage if you want to take a promotion or start your own business is particularly important.

The best part about it is that the Joint Committee on Taxation and the Congressional Budget Office have said this can be done in a revenue-neutral way.

We have had a number of Senators involved who have longstanding credentials in terms of being tougher on budgets and concerned about fiscal discipline. Now, the Joint Committee on Taxation and the Congressional Budget Office have said that, contrary to popular wisdom that universal coverage is going to break the bank and require tax hikes and new spending, it can be done in a budget-neutral kind of fashion.

Finally, I want to add since I think I really didn't do him justice earlier—Senator INOUE has been a wonderful addition to our group. He and his staff have had a great interest in looking at a number of health reform issues, particularly ones that make better use of our workforce, focused on prevention and quality. We are thrilled to have him as well.

Madam President, I note that one of our colleagues has come to the floor. I will wrap up simply by saying that I think the entire Senate should be very grateful for the outstanding work done by the Joint Committee on Taxation and the Congressional Budget Office, led by Peter Orszag and Edward Kleinbard. Those two organizations have never issued—in the history of their organizations—an analysis like the one they made available today. Never in the history of the organizations has there been such an analysis.

I submit that if there had been an analysis like this done the last time the Congress debated universal coverage back in 1993 and 1994, if there had been a report like this one from the Congressional Budget Office and the Joint Committee on Taxation, they could have moved forward on a bipartisan basis to actually pass legislation, see it signed into law, and end the disgrace that a country such as ours, which is good and strong and talented, hasn't been able to fix American health care.

This time, I think we are up to it. Senator BENNETT and I have kept apprised the leadership in the Senate on both sides of the aisle. It is our determination to work with colleagues of both political parties. We intend to work with the Presidential candidates. I have talked with Senators CLINTON and OBAMA many times about the Healthy Americans Act. I talked to Senator GRAHAM last night about the Congressional Budget Office briefing. We know of his involvement with Senator MCCAIN. If you are going to deal with a big, important issue, it has to be bipartisan.

Today, the Congressional Budget Office and the Joint Committee on Taxation have made a significant contribution to our effort to move forward and actually enact universal health coverage that works for all Americans. We are indebted to their organizations.

I am particularly grateful to colleagues who have joined as cosponsors in this effort. Senator BENNETT and I will continue to work with colleagues like Senator BAUCUS, Senator KENNEDY and others over the next 6 or 7 months so that this can be ready to go for the next President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, what is the current state of the floor?

The PRESIDING OFFICER. The Senate is considering H.R. 2881.

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2953 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, the statement by the Senator from Idaho with regard to the need for drilling has been articulated by a very respected columnist, Robert J. Samuelson, who recently wrote his column, published in the Washington Post, that in essence said we ought to put oil rigs off the protected shores of Florida and in the preserved wilds of Alaska.

Once again, we are going to hear statements such as that of the Senator from Idaho and read statements in the written press by Mr. Samuelson as gas prices are hitting record highs. We are going to see the renewed push by the Bush administration and by the oil industry to drill in areas that are protected, such as the Gulf of Mexico off Florida, as articulated by the Senator from Idaho, as well as the area known as ANWR, which is in the preserved wilderness of Alaska. Drilling right away in environmentally protected areas was the centerpiece of Mr. Samuelson's solution to the rising gas prices.

There is not one of us in this Chamber who does not want to do something about those gas prices. What Mr. Samuelson said in his column was that to oppose drilling in those protected areas—as indicated also by the Senator who has just spoken—to oppose drilling in those protected areas, he said, is sheer stupidity. And he said further it is a "prejudice against oil companies."

That is the same thing the oil companies say every time there is a spike in prices. They have their long-term remedy that would expose these wilderness areas, and Florida's beach and tourism-driven economy, our areas of an environmentally sensitive nature, as well as the military interests I asked the Senator from Idaho to acknowledge, and they would put all that at risk. It is these same oil companies that are now, because of the high price of gasoline, going to make another end run—very possibly next week—and try to bust the ban, the longstanding ban on coastal drilling. Of course, they are going to cite what they do every time the oil prices spike high. They are going to cite the high gasoline prices.

I am basing my predictions of what is going to happen in the next couple of weeks, I am basing this assertion on the oil industry's track record and on the comments made Tuesday by the President, renewing his call for drilling. I am basing it on the suggestions we see in this newspaper column.

In advance of this likely new assault, this Senator wants to make clear oil that is still deep in the ground has no direct link—none—to today's pump



prices. Any oil in the ground will not be in the marketplace for another 10 years. More important, no matter what anybody says or what anybody writes, the United States only has 3 percent of the world's oil reserves while the United States consumes 25 percent of the world's oil production. In other words, it is, to use Samuelson's term, "sheer stupidity" to think the United States can somehow drill its way out of the energy crisis.

We are a nation that is hooked on oil. Drilling along the Florida shore or in wildlife preserves will not break the habit. By the way, one of the main reasons oil prices have gone up so sharply in recent years is the volatility of major producer nations, such as Iraq and Iran—not even to mention Venezuela and Nigeria. History reflects similar spikes, circa 1973, when we had an OPEC oil embargo related to a war in the Middle East; then again in 1979 with the Iranian revolution; again in 1990 with Iraq's invasion of Kuwait and the first gulf war; and again, since 2003, with the war in Iraq, concomitant with increasing Asian demand.

The common denominator in all these spikes is they are fueled by the subsequent increase in oil speculation. The common denominator is trouble in the Middle East and especially in Iraq and Iran. More drilling along protected U.S. coasts, in bays and harbors and in the pristine wilderness of Alaska, will not stabilize Iraq and it will not guarantee Saudi Arabia's long-term friendship. Nor will it end the unregulated speculation that has driven the price of oil to more than \$118 a barrel when the price should have been no more than \$55 a barrel, based on present supply and demand, according to an industry leader's testimony before Congress. That means the law of supply and demand has been broken and we are paying at least \$63 per barrel over and above what supply and demand would produce—a price of \$55. We are paying that extra \$63 per barrel to enrich investment bankers, speculators, and oil companies.

As Mr. Samuelson says in his column: "What to do?"

The U.S. failed in the 1970s to enact a real energy program to get us off oil. The result is it is Brazil that runs on ethanol today—not the United States. Germany leads the world in solar power, not the United States. In the meantime, oil companies are awash in record profits, more than \$155 billion in profits alone last year, at the same time not spending enough on refineries or alternative energy, while guess who is getting it in the neck: the consumers at the pump.

Then, even worse, it took the United States more than 30 years to raise mileage standards on cars and trucks to a paltry 35 miles per gallon, something that will not even be in effect until the year 2020. And is it not interesting that most of Europe and the cars U.S.-based manufacturers sell there already average 43 miles per gal-

lon, and in Japan the cars are approaching 50-miles-a-gallon.

In other words, we are wasting, flat out wasting billions and billions of gallons of oil. So, again, what are we to do? Well, about half of the oil we consume goes into transportation, and it should not take a rocket scientist to realize that is where we ought to focus. So, first, if we start to enact serious conservation measures, and things such as a 40-miles-per-gallon mandate for the fleet average of our personal vehicles, and if we provided greater tax breaks for hybrid cars, and ultimately hydrogen-powered and electric-powered cars, then we are going to start making a difference.

Second, the Government, our Government, led by our next President, is going to have to enact and subsidize a national energy program to transform us from our energy dependence on oil, especially foreign oil, to alternative and synthetic fuels to power much of the transportation sector.

Members of the Senate, it has been done before. Remember in the 1960s, President Kennedy led us to conquer the bounds of Earth, to go to the Moon and return, and all of that occurred within a decade. So we have got to act with the same urgency. And while we are at it, we are going to have to make ethanol, ethanol that we will make from things we do not eat so we do not reduce our food supply.

While we are at that, we are also going to have to pay attention to how we power not only our cars and our trucks, but our homes and our industry. We are going to need to develop solar, wind, thermal energy, and hydroelectric. And who knows the advances of technology in harnessing renewable energy sources. We are going to have to look for electricity that is from safer nuclear power.

Now, this is what our Presidential candidates ought to be hearing and ultimately before this election they ought to be making a pledge to the American people that they are going to do this. In the 10 years going forward that it would take to bring in new oil rigs fully to market, in that 10 years, if we are good stewards of what we have, we will have conserved more oil than we ever get out of the ground, and we will be mostly free from foreign oil by enacting this energy plan.

Our future will not be realized by looking backward to the short-term polluting and dirty energy solutions of the last century, solutions they still offer for the future, solutions by people who do not want to change their ways, such as oil companies.

So should we start drilling right now in very environmentally sensitive areas? To use Mr. Samuelson's words in his column, "That is sheer stupidity." I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to speak about the provision related to the New York liberty zone that appears in the FAA reauthorization bill. A few of my friends on the other side of the aisle have called this provision an earmark. They have called it a fund to create a train to Kennedy Airport, even though that is not even mentioned in the legislation.

I wish to fill in on the facts. First, after the devastating attacks of 9/11 which scarred my city and our country, Congress and the President generously agreed to provide \$20 billion in assistance toward the rebuilding of lower Manhattan. It was a promise the President made to me and Senator CLINTON the day after the attacks. It is a promise that, to his everlasting credit, the President has kept and has never wavered from. The President understood, I think all of my colleagues understand, what happened in New York. But we still live with the scars. That downtown has not recovered. There are fewer square feet of office space today than there were then in downtown. And the families who lost loved ones still grieve every day, as does just about every New Yorker.

There has always been talk about wearing flags. I put this flag on my lapel on 9/12/2001. I have worn it every day since and, God willing, I will wear it every day for the remainder of my life in remembrance of what has happened.

Now, of the \$20 billion, the money was divided for various purposes. Some, of course, was to help the families who have lost loved ones. Some was for the cleaning up of the World Trade Center site. It was a massive undertaking—to visit the rubble a day later, to smell death and the burnt flesh in the air, and then to realize that people, not only from New York but from around the whole country came to help us help heal those wounds.

Some of the money was put aside specifically so that downtown would recover; incentives to bring business back and money for transportation, because the entire subway nexus had been destroyed. At that point in time, people worried that people would desert downtown and never come back.

New Yorkers, through efforts and valiance, have struggled, and so that is how the \$20 billion came about. Was any part of the \$20 billion an earmark? Is there any reason to equate it with a bridge to nowhere? Please. Please, my colleagues, I do appreciate that my friend from New Hampshire—I do consider him my friend—has retracted that specific statement. But to call the \$20 billion, or a significant part of it, an earmark is unfair labeling, to be kind. Or the tax preferences for the gulf opportunity zone after Katrina,

were they earmarks? They were a benefit, a large benefit, designated for a specific region. When we help a disaster area, is that an earmark? No. And all the hallmarks of earmarks done for only one member, slipped in in secrecy, none of that applies here.

In fact, this exact proposal is in the President's budget this year in the light of day for all to study because the President himself, as I said, has kept his word. Has it been done secretly? Obviously, no. This provision has been around for a while.

As I will show in a few minutes, many of my colleagues who oppose it now have voted for it in other legislation. Why has New York had to wait so long for this provision? It is because it has passed the House a couple of times, it has passed the Senate once, but the bills that passed never hooked up and never made it to the President's desk.

Are we going to tell those who argue that this is an earmark that any aid to any region, no matter how publicly talked about, no matter how desperate the need, is an earmark? With all due respect to my colleagues, it is not fair. It is not right. It is not up to the level of this body or this discourse. It is using a word that has a bad connotation and inappropriately labeling something that has been part of America's nobleness since 9/11.

Let me give you a little bit of history here. After the \$20 billion in aid was passed, some of the provisions were not fully realized, others were, and exceeded the amounts of money. So the New York delegation had talked with the President and with OMB leaders about how to make sure those dollars were most wisely spent, and in some places, the amounts of money changed.

A consensus emerged as we went through this that the best way to support private enterprise, or one of the best ways to support private enterprise and rebuild lower Manhattan, was to improve transportation in and around the liberty zone.

As a result, the city and State proposed supporting improvements in transportation infrastructure in or connected with the liberty zone. If you look at the Treasury blue book, my colleagues, it is on pages 47 to 49. This is not something that was slipped in by any Member of the Senate, not by me or anyone else. It was the President who proposed it in this budget, as he has proposed it in previous budgets.

It is not something that was slipped into the bill in the middle of the night. And to equate it with wasteful porkbarrel projects is an insult to the families of those who survive, to every New Yorker, and I believe to every American.

When New York was struck, we all rallied together. We have sort of kept that tone since, when it comes to helping areas that need help. So this is not about funding porkbarrel projects. This is about keeping our promises and our faith.

Second, my colleague insists that this is a train to Kennedy Airport. I

refer him to the language in the FAA bill. There is no reference to a train to Kennedy Airport. There is no reference to an air rail. As I said, it sounded good, but I appreciate the fact that the Senator from New Hampshire has pulled back from calling it a train to nowhere. I personally called him 2 days ago and read the language of the bill to him. It does not mention a rail project. There has been talk in Manhattan, among the mayor and Governor and the city leaders who would be in charge of spending this money, that that is a possibility. But there are many other possibilities as well.

The one thing the legislation states is about improving and rebuilding transportation in the liberty zone. That is all. There is no specific project mentioned in the language. There is no particular project or projects I am supporting. To say otherwise is untrue. It would be totally within the law to use this for some subway improvements or other types of spending. That will be what the city will decide, in consultation with the Governor and the appropriate legislative bodies.

As for the mechanism of funding which allows the city and State to keep part of the Federal income taxes withheld from city and State workers, we have tried various ways of designing this aid, and this is what the administration came up with, with our agreement and consent. If any of my colleagues would like to suggest another way for fulfilling the promise they would support, I am happy to listen. But I remind them that this is a solution supported by the administration. In fact, the Bush administration has supported the \$2 billion trade-in for the liberty zone in four consecutive budget proposals. The details of how to do it, again, of how to spend the money, will be left up to the city and State. This is not new money, I remind my colleagues. It is the last part of a solemn promise made by President Bush and supported by this Congress in 2001.

The current version of the language passed the full House in the most recent energy bill. It was part of a Senate energy bill that received 59 votes last year and 58 votes earlier this year. It was also part of the FAA reform package that passed out of committee by broad bipartisan vote. This is not something that was snuck into the bill as it reached the floor of the House. It was passed and debated in the Finance Committee. In fact, two of my colleagues who have raised questions about this—my friends from New Hampshire and South Carolina have both voted for legislation in favor of enacting the liberty zone provision, when it has been previously considered as part of other legislation.

So now to object to this, to the whole FAA bill because it has this provision in it, is a change of view. There was no objection to other legislation that had it on that basis.

The junior Senator from South Carolina voted yes on final passage of two

bills in the 109th Congress—S. 2020, and H.R. 4297—that both contained the liberty zone provision. Unfortunately, the provision was not in the final versions of these bills, and the remaining funds for Ground Zero were not allocated. By advocating against this current position, it is clearly a change. There was no specific vote on this rail link, but there were votes on larger packages that contained it, just as this FAA package is a larger package that contains it. The senior Senator from New Hampshire has voted in favor of the liberty zone tax provisions at least three times: First, in favor of the original bill, H.R. 3090; again, in favor of two separate bills—S. 2020 and H.R. 4297—to complete the funding in the 109th Congress.

So it is hard to understand, since this is not an earmark. This is not a specific project. This is supported by the President. It fulfills a promise that, frankly, this Nation made to New York, the last part of it. It is hard to understand why the views have changed. We have been working 4 years to finally complete this promise. Each time objections are raised. If someone doesn't like it on this bill, then make a commitment on what bill we can finally get it done because I am going to try to get this on any piece of legislation that moves in the Senate until the promise to the people of my city and, frankly, the people of America is finally fulfilled.

I say this to the 98 other Senators not from New York: If 9/11 had happened in your State, you would be down here on the floor of the Senate making the same fight we are making. You would not allow anything to get in the way of a promise that had been made to a city or State, particularly when the arguments made don't really apply—not an earmark, not a train to nowhere, and not something that was done in the dark of night.

I want to note again that the Bush administration has been supportive. I have many disagreements with the White House on a host of issues, but they have been helpful and true to their word on this issue. President Bush himself has. I have thanked him for it repeatedly. The President believes it is important to keep his promise. This body should feel the same way. That is why he put his proposal in four consecutive budgets. That is why when the administration issued its statement of administrative policy on this bill, they did not note any objection to this provision.

I know there can be objections. That is part of what we do around here. But I haven't seen a good argument against this other than you don't believe New York City should get the money that was promised to it. This is about keeping a promise. I am going to make sure, to the best of my ability in this body, that this promise is kept. My constituents demand it. Fairness demands it. If this were about your State, you would demand it too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I rise to talk about an amendment that I hope to offer on the reauthorization of the Federal Aviation Administration. It is an important amendment, and I want to discuss it so that my colleagues understand what this amendment is about.

This is a picture of an airplane that was provided to my office by a U.S. safety inspector. A pilot for a Chinese carrier requested permission and landed in Frankfurt, Germany, for an unscheduled refueling stop. They were running low on fuel. This is what the U.S. safety inspector provided us. This is what German workers found—seatbelts wrapped around fan blades.

There is a seatbelt. There is a seatbelt, as you can see, and the structure behind. They did this to minimize turbulence because there had been an engine that had failed. The inspection found that a total of three engines had to be replaced before the plane was going to be allowed to take off again.

What does this have to do with the amendment? In the latest audit, the Department of Transportation inspector general found that 67 percent of the heavy maintenance—not talking about kicking the tires or changing the oil—of U.S. commercial aircraft is now being performed by foreign repair stations. In a series of reports, the inspector general has identified many gaps in FAA oversight for these foreign repair stations.

What this amendment does is seek to apply the same standards of safety and security to all of these foreign repair stations that U.S. carriers are using. That is a pretty reasonable proposition. If you have a commercial carrier that is serviced in the United States at an FAA certified facility, it is likely an FAA inspector is onsite, a constant presence. There are requirements of drug and alcohol checks. There is perimeter security. There are standards that must be met in terms of these repair stations. How does it make sense that we don't demand those same standards for American carriers that are using foreign repair stations? Most Americans would be surprised to find out that we don't. That is what this amendment is going to fix.

I thank Senator SPECTER for cosponsoring this amendment. I want to spend a little bit of time talking about what the amendment contains, but I want to make sure that not only is the problem just whether the work being done is not up to the standards we would expect in some of these foreign repair stations, I want to talk about security issues.

My mom is going to be 80 this summer. She has had two knee replacements. She can't go through an airport without being wanded, many times her suitcase being opened. We all know that we have to check our shampoo. We have to not carry water bottles

through security anymore. I think the American flying public understands and has accepted these incredibly intrusive measures because they want safety. They want security. They want to make sure that when they fly, they are safe. So they have said: OK, I am going to take a bunch of time at the airport. I will stand in lines. I will have a wand. I will have people patting my body. I am going to do all this because I want safety and security.

In 2003, an inspector general report found that there was an al-Qaida member working at a foreign repair station in Singapore. The report discovered easy access to facilities by outsiders and found the FAA was leaving employee background checks and drug and alcohol testing up to individual airlines.

We note that in December 2001 a senior aircraft technician at a foreign repair station was found to be a member of the terrorist organization Al Qaeda. . . . The aircraft technician photographed U.S. aircraft as potential targets for a terrorist attack.

Really, is it fair that we all are worrying about whether we have 1 ounce too much of shampoo when we have not taken the basic steps to make sure al-Qaida is not under the hood? I think most Americans would be shocked to see this inconsistency in our sense of urgency and caution when it comes to the safety of the flying public.

What does this amendment do? It is pretty simple. First, it requires identification and oversight of foreign repair facilities that are noncertified. The FAA must submit a plan to Congress within 6 months of enactment to identify and expand its oversight of all noncertified facilities used by U.S. air carriers. Keep in mind, these U.S. air carriers are not just outsourcing the labor to foreign repair stations that are FAA certified in foreign nations. They are also outsourcing the work to noncertified FAA facilities.

I keep asking the FAA in hearings: Why do we have certification? I will say: Do you think certification is important?

The FAA officials will say: Yes, we think it is important.

I say: Then why do we have it, if we don't require everybody to have it? What is the point? Why are we letting carriers use noncertified facilities if the certification is important to our safety and security? It doesn't make sense.

This amendment would, in fact, require that those carriers use certified facilities if they are, in fact, going to use foreign repair stations. It will require the FAA to do two inspections a year. I do not think that is a heavy lift: two inspections a year of their facilities, wherever they may be.

It will require drug and alcohol testing of employees performing maintenance at foreign repair stations. It has been interesting to me because we have had some push-backs from some places about this because of some countries that want us not to require this be-

cause they currently have work of U.S. carriers and they do not want America to require FAA oversight to this degree. One of the things they protest most—some of these nations—is the drug and alcohol testing. Well, with all due respect, I really do not think Americans are excited about the idea that we would waive drug and alcohol testing for people who are working on airplanes. I think that is a basic. It certainly would be a basic in this country. I think it is certainly something the American people would expect.

It will also enforce the TSA requirements that foreign repair stations comply with security standards issued by the Transportation Security Administration.

It will update foreign repair station fee schedules to ensure taxpayers are not subsidizing the outsourcing of this work.

Here is the part that gets me a little bit cranky about this whole situation. It is one thing for companies to want to outsource labor to other countries because it is cheaper. Now, other than the need to fix our Tax Code, we do not encourage the outsourcing of jobs. It is not as if we can require corporations in our country to keep all their jobs in the United States. That is a tough thing for us to do in an open democracy, in a free market economy. I will tell you what we can do, though. We can sure make absolutely certain these companies are not doing it with the help of taxpayer dollars.

Right now, as to the certified repair facilities that are in foreign countries, the U.S. taxpayers are underwriting the bill for those inspections and that certification. In other words, the companies can outsource the labor to a country where it is less expensive, and taxpayers are footing part of the bill for the safety and security of those facilities.

Now, if you are going to go for a less expensive labor cost, it seems to me that you, at a minimum, ought to add to that savings the cost of the inspections by the U.S. Government. Why should the taxpayers foot the bill for FAA inspectors to fly over to Singapore to inspect a facility? That does not seem fair. So this makes sure the people who are using the foreign repair stations are absorbing the costs of inspecting and keeping those foreign repair stations up to our standards. Obviously, it requires the regular inspector general oversight of the implementation of this provision.

This is very reasonable. The House has similar language in its bill. I think this makes sense. I think it is something, frankly, the American public would be surprised to understand, that we have this huge gap in our safety and security oversight for the flying public.

I look forward to an opportunity for the Members to have a vote on this amendment. I think we all want trade. We all want to make sure we can export American products. We do not want trade agreements that put us at a

disadvantage or, frankly, we want to make sure we still have access to other markets. But we cannot outsource safety. We just cannot. This administration is willing to do that. This administration is willing to say: We are going to let these other countries worry about whether their facilities are safe. I do not think this is one area where the American people want this function of our Government outsourced. I think they want us to be on top of it. I think they want to make sure it is being done right. I think they want to make sure it is being done fairly. I think they want to make sure they are not paying the bill to outsource this work.

At the end of the day, I think they have been cheerful, as Americans always are about what is asked of them, but I do not blame them for being a little worried that there has not been more sense of urgency about the safety and security of this situation in light of all of the money we have spent in the name of national security and, importantly, homeland security.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I would like to take a few moments today to discuss what is a catastrophe all across our Nation—and it certainly is in West Virginia—because of the price of gasoline and other transportation fuels.

My State is not wealthy. I think it is either the third or fourth poorest State in our country, and I do not say that with shame, I say that with pride because it was, in a sense, one of the reasons I was a VISTA volunteer. I went there as a VISTA volunteer because I saw a place where I could at least try to help. The people are the best ever. When people have to struggle to make it, day-in and day-out, they are pretty solid people.

As I am sure it is the case for all of my colleagues, for the past few weeks and months I have been hearing from my constituents constantly about rising gasoline prices and the resulting rise in the prices for goods and services throughout our economy.

West Virginians are hurting. West Virginians will always find a way to persevere—always—but right now many are struggling to juggle expenses, making enormous sacrifices to feed and clothe their families, while trying to pay the cost of going to work. We have plants in West Virginia which people drive hours and hours every day to get to. Work is not easily found, so where it is, people have to drive. We are 96 percent mountains, 4 percent flat. We have a lot of roads. People

pretty much have canceled the occasional splurge for a movie. We have a baseball team in West Virginia. That has pretty much been pushed off. In other words, if it is a nonemergency purchase, they bypass it. It takes away from their happiness, their stability as a family, but they have no choice. Belts have been tightened just about as far as belts can be tightened.

Yet, this week, we hear that oil company profits are again nearing or exceeding record highs and that these companies have no plan and these companies have no desire to increase domestic refining capacity—one of the very few things we know would actually help bring down prices.

The Energy Information Administration and private sector energy experts tell us to expect gasoline and diesel fuel prices to continue to rise for the foreseeable future. I do not know what that means. I do not think West Virginians care very much what that means. It just means a long time. And a week, a month, is a long time. This is well beyond the usual cyclical annual price fluctuation. And the so-called summer driving season is not even here yet. But other than a brief dip in January, the price West Virginians have been paying at the pump has been climbing steadily since before Christmas—not as noticeable at first, now catastrophic.

The average price for a gallon of regular gasoline in West Virginia has risen from just over \$2.70 a gallon in August 2007 to a price on the last day of April 2008 of \$3.71. I do not have new wage data for workers in my State. I wish I did. But I am willing to stand on the floor of the Senate and assert that nobody's salary has risen to match that 37-percent increase.

The idea of \$4-a-gallon gasoline—which 2, 3, 4, 5 years ago would have sounded crazy—really now is a matter not so much of “if,” but “when.” The timeframe I just mentioned is relevant, of course, because we are a country that has been at war in Iraq for more than 5 years—spending money, letting people do corruption at all levels. I am always suspicious of oil companies. When our brave American forces set out to impose regime change on that country based upon the false—or at least unforgivably imprecise; I prefer the word “false”—intelligence, West Virginians were paying, on average, \$1.63 for regular gasoline. That was not that long ago. It had been as low as \$1.26 in the months leading up to the invasion.

It should come as no surprise to anyone within the sound of my voice, but in that time oil industry profits have risen steadily: almost \$60 billion in profits in 2003, just over \$80 billion in profits in 2004, approximately \$110 billion in profits in 2005, just under \$120 billion in 2006, and just over \$120 billion so far in 2007. ExxonMobil, Shell, and ChevronTexaco have each had increasingly larger profits each of the last 5 years. BP and ConocoPhillips have

done nearly as well. In all, the five largest integrated multinational oil companies have reaped almost \$560 billion in profits since President Bush and Vice President CHENEY came into town. I don't particularly want to do it that way, because I blame the companies more than I blame them, but there is lots of blame to go around.

Anyone who looks at the numbers can make this about politics, of course. It is easy to do. But this is, in essence, for me, a former Vista volunteer in my 44th year in West Virginia, all about people. It is simply all about people and families who have been struggling anyway. The average salary for the average working family of four in West Virginia is \$31,000. That is not a lot of money, before you get to all of this, and then it is even less.

Today, if you are lucky enough to live or work near Sam's Club in Vienna, WV, which is on the Ohio River, and you can afford to become a member there, you can get a gallon of gasoline for \$3.49. It is hard for anyone I know in West Virginia to think of that as cheap, but it is the lowest price reported in the entire State. Frankly, based on the data I have seen, it is so much lower than the rest of the State that you almost have to consider it an anomaly.

If you are running low in Spencer, WV, a rural community, however, you need to be prepared to pay \$3.82 at the Exxon station on Main Street. It is \$3.79 in South Charleston. Residents of Huntington are paying \$3.75. In Berkeley Springs, not far from Washington, it is \$3.69. No West Virginia county—none—is reporting an average price per gallon of regular gasoline that is below \$3.61. Only three of my States' 55 counties are reporting average gasoline prices lower than \$3.67.

Individual price quotes at individual stations are ominous enough, but the real stark numbers, the real telling calculation, is how much more West Virginians are paying for gasoline than they were in years past, and that is not even getting into the meteoric rises in food prices and the other costs essential to daily living. Even those in West Virginia who travel by air, which is the subject of the bill we are meant to be on, those prices have gone up.

Since 2001, West Virginia households are paying almost \$2,500 per year more for gasoline. If it is a household with children, that makes it \$3,000. I take my colleagues back to the average salary for the average family of four, working family of four in West Virginia: \$31,000. When you add on health care, food, rent, and all the rest, everything else, it is an enormous matter. If it is a household with teenagers, it is just below \$3,600 more. Families, businesses, and farmers in West Virginia will spend \$153 million more on gasoline in April 2008 than they spent in January 2001.

If prices remain at current levels, \$1.83 billion more will be spent on gasoline in West Virginia this year than

was spent in 2001. West Virginia consumers, farmers, and businesses are on a track to pay \$2.96 billion for gasoline this year.

So West Virginians are asking two questions: How did we get here; but to them, much more importantly, what can be done to fix this.

Nobody in Government, academia, or the private industry can give us a single definitive equation for what makes the price of oil go up and down. We don't know why, but we can't. Generally, increased demand from China, India, and much of the developing world has set the stage obviously for prices that we have to take into consideration.

Much of our oil comes from an unregulated and unresponsive cartel called OPEC. We also know that since the tragic terrorist attacks of September 11, 2001, the world price for petroleum has been affected by a global struggle against stateless thugs.

The instability brought about by the invasion in Iraq has done nothing but raise the pump price. I don't know a single benefit to our Nation that has been accomplished there. But smaller factors have also had huge consequences. Instability in Nigeria and the outrageous behavior in Venezuela have contributed in similarly negative ways. The recent strike by refinery and pipeline workers in Scotland, unbeknownst to many of our citizens, will not help. Likewise for the very serious refinery explosion in Utah this week.

Economists cannot pinpoint how much speculation in the commodities market is adding to the price of oil, but a congressional study in 2005 suggested it was in the \$20 to \$25 per barrel range. A more recent study announced by Public Citizen said it is now closer to \$30 a barrel. It doesn't matter. Every cent of that is being seen at the gas pumps in West Virginia and around the country, and it hurts, and trying to give a worldwide economic explanation for it doesn't solve anybody's problems or anybody's pain.

We know, too, that the price is manipulated up and down the supply chain. Nobody will ever convince me that there is not a large amount of corruption and manipulation, deliberate, cozy and easy, that goes on around boardrooms in oil companies. From the huge oil companies that find the oil, through more markets and middlemen than we can keep up with, every player has the ability to force the price up for their own bottom line. There is manipulation beyond the reach of my people in West Virginia or the Presiding Officer's people in the State of Colorado. We are at their mercy. We pay the price, we are at the mercy—at the mercy of oil. Federal investigators cannot usually pinpoint collusion, but those acting independently to manipulate prices cost the people of West Virginia all the same. There are a lot of things Federal regulators never manage to find.

In the long term, the things we need to do sound basic—and this is the final

part of my remarks and the important part, other than the overriding theme of anger—such as increasing supply and reducing consumption, but achieving these goals has proved to be very difficult.

I have long supported efforts to improve automobile fuel efficiency, and so have most other people—not all. We made a small and long overdue change last year, and I believe we will do more. I think CAFE standards are going to go up and up, as they should; cars will get smaller and smaller, as they should. That will not be good for my legs, but it will be good for my people. But even when Detroit catches up with the rest of the world's automakers on fuel efficiency—I repeat, catches up—we do need to add to our supply now.

That is why in 2006, I supported Senator DOMENICI's legislation to increase oil and gas exploration in the eastern Gulf of Mexico. When these new fields are fully on line, they will add 1.26 billion barrels of oil to our domestic supply. Now, I say that, but I also have to say in all honesty that I voted against virtually every other attempt to do drilling offshore and in ANWR, for example. ANWR to me has always been a shibboleth. People say: Well, we can get lots of supply there, just as many people or more say it is technically feasible or maybe it is economically feasible, but it is not both. In the meantime, the tundra continues to melt.

That is why I have also consistently supported holding off on additional deposits in our Strategic Petroleum Reserve. It is more than 97 percent full as it is, and there is no economic rationale for filling it to the brim with \$120 per barrel of oil. That product should be making its way into the market some place.

I joined my colleagues earlier this year to ask the President to suspend deliveries into the petroleum reserve until the price of oil drops below \$75 a barrel. Since the President persists in refusing to stop taking oil off the market, I will support legislation to force him to do it.

I also support, as I have in the past on several occasions, the imposition of a windfall profits tax on integrated multinational oil companies. People say this won't have any effect. I would like to try that out to show that they are wrong and to send a message. The oil companies are making so much money maybe they won't even notice it. But I doubt that, because there are now 300 million Americans who are very angry about what very few of them are doing. As I have said, these companies are making huge, perhaps unconscionable—not perhaps—totally unconscionable profits off the hard-working people in my State and off the wages of struggling Americans everywhere. If they refuse to reinvest in additional refining capacity, which has been their habit, the least we can do is use some of those profits to shore up

the highway trust fund for the road infrastructure and transportation projects that we need for the 21st century, and perhaps even for something called aviation. Those projects would create jobs.

I will also reintroduce legislation this week that I first introduced in 2001. It is called the Low Income Gasoline Assistance Program, or LIGAP. This will provide some relief to Americans hardest hit by any rise in prices; to wit, the working poor, which describes a lot of my State. For many West Virginia seniors who have no means of getting to work, the grocery store, or to a doctor's appointment other than their cars or trucks, if they have them, LIGAP assistance for gasoline purchases will enable them to weather this crisis with a little more peace of mind. I say "if they have them" because many people in communities I have worked in throughout West Virginia don't have automobiles, so when they have to go somewhere, usually a pretty long distance, they have to hitch a ride. Even though our people are innately good and generous, because they depend on others as others depend on them, they will usually charge a fee for that ride. In any event, whether they can even take that ride will depend on whether they can afford the gasoline price to get there.

So LIGAP eligibility would be linked to and modeled after LIHEAP, the very successful and efficient home heating and cooling assistance program. Funds would be distributed to States as additions to allocations under the existing community development block grant program.

It makes sense. For everyone who qualifies, LIGAP would give stipends of between \$100 and \$165 a month. Hopefully, this may mean not having to scrimp on their children's food or cut back on prescription drugs and other family needs.

Families are the basis of our country. People are the basis of everything we do. It is just that there are some sectors of our economy that choose to avoid that because they don't have to depend upon those people because those people have no choice but to buy their products.

It is time for Congress and the administration to come together and stop bickering—it would be a majestic accomplishment—and stop fighting over turf, as we are doing on the aviation bill. While we engage in parliamentary tactics that most Americans don't give a hoot about—in fact, they hate us for doing it—West Virginians and citizens in every State are suffering, while oil companies are laughing all the way to their many banks. This must stop. I ask my colleagues to work with me to make this stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we import more than 12.5 million barrels a day of petroleum—over 60 percent of

our petroleum energy needs. As a matter of fact, I think it is higher than that now, in the last 2 or 3 days. This is why our economy and the value of the dollar has weakened and our energy costs have skyrocketed. With oil at \$117 a barrel—and it is more than that today—the United States spends nearly \$1.5 billion each day on foreign oil. That is \$533 billion each year that was not invested in our own economy.

Instead, that money is being sent—along with jobs—to other countries, such as Saudi Arabia, Nigeria, and Venezuela. For every million barrels of oil we import, 20,000 American jobs are lost.

Our country needs a real economic stimulus now. That stimulus will come when we stop spending hundreds of billions of dollars each year to import oil and, instead, invest that money in our own economy by increasing domestic production of our energy resources.

The area known as ANWR is a million and a half acres that was reserved for oil and gas development on the Arctic slope in 1980; it is the largest untapped oilfield in North America. We believe that is the largest trap for oil in North America. Oil companies estimate they will spend between \$45 billion and \$60 billion to develop this area. Combined with the construction of the Alaska natural gas pipeline, which is expected to start soon, it will cost about \$40 billion. These resources would deliver a massive influx of jobs and capital investment in the United States. Our economy would be stabilized, and the dollar would be strengthened.

ANWR and the Alaska gas pipeline are only the beginning. This infrastructure would help lead to further development of Alaska's Outer Continental Shelf. We have more than two thirds of that Outer Continental Shelf. It has been expanded another 100 miles north of Alaska, as we discovered a further extension of the shelf. The Chukchi Sea holds an estimated 16 billion barrels of oil, and there is an estimated 7 billion barrels in the Beaufort Sea off our State. Bringing these resources on line would add even more jobs and capital to our economy.

Full development of ANWR would result in at least 60,000 jobs. Opening ANWR alone would require the construction of a fleet of 19 new tankers to transport the oil to the Lower 48. Those would be American-built tankers. Under the law, they must be—under the Jones Act. This alone would create at least 2,000 direct jobs in the U.S. shipbuilding industry and approximately 3,000 additional jobs in other sectors of our economy. The energy industry estimates the Alaska gas pipeline alone will create 400,000 new jobs nationwide.

Senator SCHUMER made an interesting statement the other day. He suggested that opening ANWR would reduce gas prices by only pennies. He took a shot at the President, saying he takes out the old saw of ANWR, that

ANWR would not produce a drop of oil in 10 years, and it is estimated that if we drilled in ANWR, in 20 years, it would reduce the price one penny.

I am afraid that shows how little the Senator from New York understands the oil industry. He ignores the long-term economic stimulus domestic production will bring through investment in our own country—raising household incomes and individual buying power, rather than sending money overseas. Senator SCHUMER would ask other nations, such as Saudi Arabia, to increase their production as a solution to our energy crisis.

I agree that increased production would help solve our problem but that production should occur in our own country. I think the Senator should realize what is happening in terms of the oil industry, and the key driver now to the cost of gasoline is not the supply and demand, it is the value of the dollar and the value of oil per se. The value of oil now is represented by paper on the New York Stock Exchange, which has replaced gold. People are speculating in oil. That is also what is causing the price of gasoline to go up at the pump. Senator SCHUMER should visit NYMEX and ask them to do something about that and stop the speculation in oil. I think it should be unlawful to speculate in anything related to energy in this country. I think soon we will do that.

This production has to come from our own country. The position of the Senator from New York would send more money in tax and royalty revenues outside our economy. I don't know how that will strengthen our dollar or lower prices at the pump at all. It is not a question of supply and demand, it is a question of a long-term commitment to restore our capability to produce oil and gas in this country.

Had President Clinton not vetoed the ANWR bill before, we would be producing at least 2 million barrels a day more out of Alaska right now. I don't like to be chided by the Senator from New York about why we don't have more production in this country. He is suggesting we ask the foreign producers to produce more oil and send it to us. That will send more money out of the country and take more of our jobs. I don't understand that.

In 1995, when we approved the amendment allowing development of the Arctic Plain, President Clinton vetoed that legislation, and we are paying for the consequences of that today. Had he not vetoed the legislation, the Trans Alaska Pipeline—which currently operates at less than 50 percent of capacity—as a matter of fact, it is even worse than that, about 38 percent of capacity. We are sending out about 700,000 barrels a day instead of 2.5 million barrels a day. We could easily have that pipeline—we call it a barrel—full and offset imports and keep our trade deficit down and keep jobs and money in our economy. In the long run—not short run—increased production does

affect the price at the pump. We would continue to increase domestic production of oil and that, in effect, would give us competition against the price set by foreign producers, and we would be able to reduce the price at the pump in the long run.

Between the Outer Continental Shelf, ANWR, the National Petroleum Reserve in Alaska—which is now ready to be leased—and the resources remaining in Prudhoe Bay, we believe we would have at least 45 billion barrels of oil left to produce. That is an estimate. When they estimated how much oil was in Prudhoe Bay, they estimated 1 billion barrels. We produced 18 billion. I remind the Senate of that. So we have produced more than that, and it is still producing. At full capacity, we ought to be able to deliver at least 2.5 million barrels to the daily market. We have oil from outside the Arctic, by the way. We can reduce the impact of sending more and more money out of the country and affect the American economy as we spend that money here at home. That money would generate tax and royalty revenues, fund research into alternative energy sources, create jobs, help strengthen the dollar, and lower our energy prices in the long run.

The weak dollar is what is causing speculation in oil futures and increasing the price of oil and gas at the pump. We need investment in our own country, which develops our own resources, instead of relying on those from other countries. By increasing domestic production, we would meet our own Nation's needs, strengthen the economy, and begin creating jobs and generating revenue, which would be re-invested back into our economy. That is the way to a strong economy, a stable dollar, lower energy prices, and to reduce the demand on foreign oil and the cost of gasoline at the pump. We have to stop sending our money abroad and sending jobs abroad to pay for energy resources, when we can use the money at home to develop the vast resources we have.

Alaska is the storehouse of energy for the future. It should not be cast aside as it has been. I hope we will find a way to vote on ANWR this year.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is the pending business is on the FAA reauthorization bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I hope no one is out of breath this week as a result of working on this bill. We had



one vote on Monday at 5:30 p.m. and have not voted since. With legislation this important to this country, why are we not able to move ahead and cast votes and finish this legislation?

This is about FAA reauthorization which includes the issue of modernization of our air traffic control system, which is very important. We read in the newspapers these days about the additional inspections that are required of airlines. We read about airlines going bankrupt because of fuel costs. We read that the FAA system for air traffic control is archaic. We are told that the GPS system in your car is more sophisticated than the system by which we move airplanes around this country in the air traffic control system. We hear the problems with the air traffic controllers, the contract problems they have had with the FAA, the shortage of air traffic controllers, the number who will retire in the near future, and the need for training of additional controllers. We read about all these things in the news. We read about systems that still use vacuum tubes in the air traffic control system because it is that old.

The question for this Congress is, can we pass legislation that reauthorizes the FAA functions and then provides the funding to modernize this system of ours?

We have a lot of people who visit this Capital city, and most of them fly in by airplane. This country moves back and forth quickly from coast to coast using, in most cases, commercial air transportation. They don't think very much of it, frankly. You can fly from one coast to the other in 5 or 6 hours. It is not unusual to leave one part of this country and end up in another part before lunch. It is a wonderful thing to have this system of commercial air travel. The fact is, this system will not survive for a number of reasons under the current circumstances.

As I indicated the other day, I believe there are four airlines that have declared bankruptcy in recent weeks. We also understand, in addition, what high fuel costs are doing to the airlines, and we are talking now about the airlines in this legislation before us. But I could talk about the trucking industry, or I could talk about families and farmers. I can talk about what the high fuel prices are doing to all of this country. There is no heavier user of fuel than an airline.

What is happening is the fuel prices are undermining the opportunity for many of these airlines both to continue operating, in some cases, and, in other cases, to continue operating serving smaller areas or less populated areas of the country. So fuel prices are a serious problem.

The other issue is the modernization of the air traffic control system, the system by which we provide for the safety of the American people. There is going to be a catastrophe one of these days, and then everybody is going to stand around thumbing their sus-

penders, scratching their heads, and saying: Why didn't we do something about it?

We have a bill on the floor of the Senate right now to try to address this situation, to try to modernize this system, and we have been at parade rest since Monday because we are not allowed to move forward. Everything is blocked. Everything is plugged up. This is unbelievable.

This is important. Some people around here treat the serious things far too lightly and then treat the light things too seriously and never understand the difference. Why is it on a Thursday that legislation as important as this, that should have been passed in previous years, cannot even get amendments up and cannot get votes off because we have people who have decided they are just going to block everything?

I told a group in North Dakota a while back about Mark Twain. Mark Twain once was asked if he would engage in a debate. He said: Oh, sure, as long as I can take the negative side.

We haven't even told you the subject of the debate.

He said: It doesn't matter, the negative side is going to require no preparation.

The negative side never requires preparation. Those who are out here saying, no, you can't, they want to block it. That requires no preparation. What requires preparation is to advance public policy that is in the interest of this country. Does anybody really think modernizing our air traffic control system is somehow a backburner issue? We see what is happening in the skies in this country. They are absolutely clogged. In fact, because of fuel prices and other reasons, we have airlines now switching to smaller planes, these little regional jets skirting around the sky, hauling as many people but just takes more planes to do it. So that puts an unbelievable strain on the air traffic system.

The question is, Are we going to modernize it? Are we going to do what is necessary? Are we going to provide the funding? Are we going to finally get off this delaying nonsense that is going on and allow legislation to move forward that is essential for the safety of the air traveling public?

I hope the answer at some point soon is yes. This includes items such as the Airport Improvement Program, what is called the AIP, investing in infrastructure in this country. That is very important. Land at some of these airports and take a look at the infrastructure and ask yourself whether we need this investment.

It is interesting, if you travel around the world. If you go to Tegucigalpa, Honduras, and then get in a car and drive to Juticalpa. Take a look at the roads and ask yourself whether infrastructure matters. Land in some of the airports in some of these remote areas and take a look at what you are landing on and the infrastructure needs of

that airport. Then ask yourself whether infrastructure is important.

We have always prided ourselves in this country on the investment in infrastructure. When you come to America, you see infrastructure that is maintained. We have always prided ourselves on that until recently, and now somehow infrastructure doesn't matter. It takes a back seat.

In my little subcommittee on appropriations that I chair, the President says: Let's cut water funding by \$1 billion from last year's levels for the Corps of Engineers and the Bureau of Reclamation. These agencies fund much of the nation's water projects and were cut by \$1 billion, even as we have 950 water projects in this country which we are paying for in Iraq. Think of that. Let's cut water projects in this country and investment in the future of this country by \$1 billion, the President says. However, let's have 950 water projects that the American taxpayers will pay for in Iraq.

I think it is time to start taking care of a few things at home. One of them is the legislation on the floor of the Senate right now, and that is the FAA Reauthorization Act and the investment and the modernization of the air traffic control system. If we do not pay attention to that, we are going to run into very serious problems. I might also say, tragic problems because there is going to be some sort of spectacular tragedy, and then we are all going to sit around and say that somebody should have done something.

We are trying to do something. The fact is, we cannot even get a vote on an amendment on the floor of the Senate. It is unbelievable. As I said in the Mark Twain example, the easiest thing in the world is to oppose. It takes no talent, it takes no time to prepare, just oppose, oppose everything.

My hope is in the next couple of hours, perhaps there will be some here who wish to move ahead. I know Senator REID has been on the floor offering unanimous consent requests. He has talked with the minority to see if there are conditions under which we might be able to move forward and get something done on some legislation. I understand it takes a while to get things done. I understand we should be deliberative. I understand there should be enough research so we don't have unintended consequences to what we do. Nobody has ever accused this body of speeding, ever. But this is ridiculous. This makes a glacier look fast.

My hope is that those of us who are elected to come here, who try to make some improvements in this country, who do what is necessary for the health and safety of the people of this country will soon understand that the FAA reauthorization bill is not just some other piece of legislation, that it is an optional piece of legislation. The modernization of the air traffic control system is not some option that we ought to consider like any other bill. This is urgent and necessary and timely, and we ought to do it now.

## ENERGY

Mr. DORGAN. Mr. President, I wish to talk about energy. Several colleagues have spoken about energy prices, and I related energy prices to the airline industry a few moments ago. I mentioned several bankruptcies that have occurred recently, intensive heavy users of energy in the airline industry, and what it might mean. This country needs a commercial airline industry that works. Without it, there will be devastating consequences to our economy. The question is, What do we do here?

My colleague from Alaska made a point with which I agree. He talked about the speculation in these markets with respect to energy. I wish to talk about that issue. I have some charts.

This is a chart that shows the speculator activity in the oil futures market from January 1996 to April 2008. This is the activity by speculators in the futures markets. These are not people who want to buy oil or hold oil. They have no tanks in which to put oil. They are not interested in oil. They want to buy what they will never get from people who never had it. This is what speculating is about.

Here is the increase in speculation in the commodities market for oil. It is an unbelievable ramp-up, an orgy of speculation, having nothing to do with the fundamentals of oil supply and demand. There is no justification for the current price of oil if we simply look at supply and demand. Supply is up a bit; demand is down a bit. There is no justification with the current fundamentals of supply and demand that would seriously justify the current price of oil.

So then what has changed? What is different? Why is this price \$115 or \$120 a barrel for oil, acting like a yo-yo at the upper end? A couple issues have changed, especially this. We have hedge funds that are now neck deep in the commodities markets speculating on oil. We have investment banks that are speculating on oil. For the first time in history, I believe, investment banks are actually buying oil storage capacity to buy oil and take oil off the market to sell it later when it is more expensive. This is speculation, raw speculation. I suppose everybody is making money. The brokers are making money, the investment banks, the hedge funds—they are all wallowing to the bank full of cash, driving up the price of oil beyond what the fundamentals would suggest the price should be.

We know those people who are winning, but who are the losers? Well, our country. This is something that is providing great damage to our country's economy. Families drive up to the gas pumps, and it hurts to fill the tanks. Farmers, heavy users of energy and fertilizer that comes from energy, are losers. It is an unbelievable burden on family farmers. Airlines, they just cannot fly through this storm. They go belly up. The list goes on and on.

If this is what is happening with the ramp-up of speculation and it is caus-

ing an increase in prices, here is what has happened to oil prices. No one needs a chart to know this, but oil prices doubled in just over one year. Speculation goes up, up, way up, and oil prices have doubled in one year.

Let me cite some folks who have talked about this issue. Stephen Simon, senior vice president of ExxonMobil, April 1, a month ago:

"The price of oil should be about \$50-\$55 per barrel." This from an executive in the oil company. I do not think his company is complaining about where the price is. He is just being candid. According to him, the price of oil ought to be about \$50 or \$55 per barrel, assuming current fundamentals.

Clarence Cazalot, CEO, Marathon Oil, October 30, 2007:

\$100 oil isn't justified by the physical demand in the market.

Experts, including the former head of ExxonMobil, say financial speculation in the energy market has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Think of that.

Speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

I understand the need for a marketplace futures market. It is required for hedging. It is required for liquidity. I understand it is necessary, and I understand we want one that works so there needs to be a futures market, but I also understand that when the futures market becomes something much more than just something that provides for hedging and liquidity. When it becomes an object of intense speculation, then there is a requirement for some intervention. No one quite knows what that intervention should be, but everyone ought to know that it is unhealthy when you have an unbelievable amount of speculation.

There are books written about bubbles in speculation. We have been through recent speculations. The tech bubble that occurred almost a decade ago. The bubble in housing prices is occurring. We have seen and understand about bubbles. This is a bubble of speculation.

Go back 500 years and read about tulip mania. If you have not read about it, I encourage you to do it. Yes, tulip mania. There was a time you could buy a tulip bulb for \$25,000. With the hindsight of 400 or 500 years, we can understand how unbelievably absurd it was, but it was a bubble, a financial speculative binge that was almost indescribable.

What is happening in this marketplace now—and most experts will agree—is we have this unbelievable amount of speculation in the futures market that does not justify the current price. The American people and American industry deserve to have a government, in those cases, that steps in and says: There is something wrong here, and we are going to find a way to set it right. This is one of the areas.

This man—in fact, I talked to this man last evening—Mr. Fadel Gheit, the top energy analyst for Oppenheimer Company. He has been there 30 years, he has testified before the Congress, and he is a very interesting fellow.

There is absolutely no shortage of oil . . . I'm absolutely convinced that oil prices should not be a dime above \$55 a barrel. . . . Oil speculators include the largest financial institutions in the world.

He said further:

I call it the world's largest gambling hall . . . it's open 24/7 . . . unfortunately it's totally unregulated . . . this is like a highway with no cops and no speed limit and everybody's going 120 miles an hour.

That is pretty well said, it seems to me. It describes this bubble of speculation that does damage to our economy and needs to be addressed by this Government. It is not the case that everybody hurts as a result of this.

This is a Wall Street Journal article of February 28, 2008. This is Andrew Hall. I wouldn't know Andrew Hall from a cord of wood. I just see his picture here. Over the past 5 years, Mr. Hall's compensation has totaled well over a quarter of a billion dollars.

What does Mr. Hall do? He makes money by speculating in the commodities market, according to this article. He is not alone. I pulled this because it is an article about him and he has made a lot of money. He has made a lot of money as someone who speculates in these commodity markets.

Is speculation something that is good for these markets? Absolutely not. When you have a speculative binge that drives these prices way out of sight, well above that which would be justified, it can be devastating to the country's economy.

That describes what is happening with respect to speculation. To address the issue of energy, it requires a lot of things. We must do this. If we do not address the issue of speculation, we are not going to solve the problem. We are just not.

But there are other things to do. For example, this administration is putting close to 70,000 barrels of oil a day, every single day, underground. It is being put in something called the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is a pretty good idea because it saves some oil for a rainy day. But just not for any rainy day, for an emergency, strategic emergency, something unanticipated, so we developed it for this purpose. That makes sense to me. But should we take oil when it costs \$115 or \$120 a barrel and stick it underground, 70,000 barrels? Of course not. That is absolutely nuts. Why would you take the highest priced oil in history, take it out of the supply, stick it underground and by doing so increase the price of oil and increase the price of gasoline?

A man named Dr. Philip Verleger testified before the Congress. He is an economist and energy expert. He said that, by taking a disproportionate amount of oil, a subset of oil called

sweet light crude, out of the supply chain, it has increased the price of oil by 10 percent. You know, with more than \$100 a barrel oil, that is at least \$10 a barrel for light sweet crude. It is the most Byzantine thing one can imagine.

I have a piece of legislation to stop it. There are now 67 U.S. Senators who have declared themselves to be in support of my approach. There is also a very similar bill that was introduced just the other day by some in the minority, and JOHN MCCAIN running for President out in the country said he supports it. So I have 51 who have signed a letter saying they support suspending the SPR fill for 2008. On top of that, some Republican Senators numbering 15, led by Senator HUTCHISON, also sent a letter to the President. That takes it to 66. JOHN MCCAIN is out there saying he doesn't believe we should do it, so there are at least 67. That makes it a veto-proof margin. So I say let's do it. End the speculation, and there are ways to do that. Second, stop putting oil underground. That ought to be important.

In addition to all of that, let me just say the other menu of issues is not really very complicated either. Should we produce more? My colleague from Alaska says you have to produce more. I don't disagree with that. I was one of four Senators here in the Senate who introduced legislation, now law, that opens up Lease Sale 181 of the Gulf of Mexico. It opens up an opportunity to substantially increase our production of both oil and natural gas in a new region of the Gulf of Mexico. Frankly, if you look at the offshore capability of the Gulf of Mexico and compare it to the offshore options off the West Coast, East Coast or in Alaska, by far the most significant reserves that are achievable by us are in the Gulf of Mexico. We have not even tapped the potential of the Eastern Gulf either.

I and three others initiated the legislation that opened up a portion of the Gulf of Mexico, Lease Sale 181. But there is a lot more to do because it got too narrow. Ought we go back there and produce? You bet we should. There is more production to be had.

In addition to that, conservation is unbelievably important and so is efficiency. Production, conservation, efficiency, and then renewable energy.

Again, we have new technology that allows us to take energy from the wind. I come from a state that has the most wind potential in America. My state has a distinction of being No. 50 in trees, so we are last in America in trees, and we are first in wind. I am not sure where the merits are there, but all of us who live there lean to the northwest because it blows almost every day. We are the Saudi Arabia of wind, as the Department of Energy suggests, and with the new modern wind turbines, we will continue to take energy from the wind and produce electricity.

We have a great experiment going on in which we produce electricity from

wind energy and use that electricity in the process of electrolysis, separating hydrogen from water and storing hydrogen for vehicle fuel. It all makes a lot of sense and helps contribute to our energy future.

There are a lot of things we can and should do. This is not some mysterious illness for which we do not know the cure. This is not some strange disease for which we have no cure. We understand what is happening here, and with a little common sense, perhaps a deep reservoir of common sense, we could begin to fix it. At the very least, we ought to begin to take immediate action to stop putting oil underground, and stop it now. It is time to take some action to stop the unbelievable orgy of speculation in the futures market, and do that soon. Those are the first two steps, and they will reduce the price of gasoline. There is much more to do beyond that, but those are the first two sensible steps we ought to accomplish now.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to speak on climate change. Before I do that, I commend my colleague, Senator DORGAN, for all of his good work on this oil and gas issue. We have been working together on a number of things he talked about and I do believe that, while I will talk today about the long-term solutions to our energy crisis and the way this can work hand in hand with climate change if we show the kind of leadership we need to show, there are also short-term issues. That means, as he said, cutting down on the speculation, putting things in place, closing down the Enron loophole. In terms of enforcement, to have the Justice Department get some meat on the bone—as a former prosecutor, I know how important that is—and pushing those OPEC nations with which we have business dealings. If we are going to have business dealings with them, then they should not be cutting down or artificially keeping low the production of oil.

#### CLIMATE CHANGE

Ms. KLOBUCHAR. Mr. President, I think there are a number of things we can do in the short term, but I am here today to talk about the long-term energy future and climate future for this country.

In 1944, President Franklin Delano Roosevelt invited delegates from the Allied Powers to a remote New Hampshire resort called Bretton Woods to discuss the future of the global economy. Although the world was locked in a terrible war, these leaders had fresh memories of the Great Depression, a worldwide panic that had left the world's major economies in tatters. They wanted their countries to emerge from World War II on a more stable financial footing.

Over the course of 3 weeks, they created the World Bank and the Inter-

national Monetary Fund to battle world poverty and to avert currency crises of the sort that had led to the worldwide economic meltdown in the 1920s. It worked. Both the World Bank and the IMF have had their share of controversies in the last decade, but they succeeded in stabilizing the world's financial systems so that in the ensuing six decades there has never been a global financial disaster comparable to the Great Depression.

I draw on this chapter of history because today the world faces another grave international threat that demands imagination and leadership. This time, the threat is environmental. I am speaking, of course, of global climate change.

The heating of the Earth is a threat every bit as grave as the financial catastrophe that threw the developed world into chaos 80 years ago. The science is clear. Global temperatures are up 1 degree in the last century. That doesn't sound like much, 1 degree in the last century. To put it in perspective, they have risen only 5 degrees since the height of the ice age. The Environmental Protection Agency of this country predicts that temperatures could rise another 3 to 7 degrees in the next 100 years. The consequences are frightening: rising ocean levels, which we are already seeing, increased drought, wildfires, and destructive weather patterns.

The Presiding Officer knows from being in the Midwest that our constituents aren't as focused on rising ocean levels. But I can tell you, in Minnesota they are focused on the fact that last year Lake Superior was at the lowest level in 80 years. Why would the oceans be high and Lake Superior be low? That is because Lake Superior, as you know, is a lake, and when the ice that forms on that lake melts quicker, the water evaporates and the water level goes down. Why do we care about that? You think, are you going to swim in that cold lake? A lot of Minnesotans, probably not, but it matters because our barges cannot get through and it has had a severe economic impact for barge traffic and the economy in the Duluth area.

You can see the rising impacts of global warming and what we are seeing across the country: increasing wildfire risk—remember the fires we had this year in California? We had some in northern Minnesota as well—decreasing water availability. That is in 2007. You go up to the 2020s, increased mortality from heat waves, floods, and droughts; in the 2050s, millions more people face flooding. You go up, if we do not do anything, to some profound and very serious consequences.

Two weeks ago, President Bush gave a speech in the Rose Garden to announce a new initiative on global warming. To be perfectly blunt, I really didn't see anything new in the President's announcement and no initiative that had not been discussed before. The President has proposed that we wait

until the year 2025 before we even stop the increase in the emissions of greenhouse gases.

He did not call for a cut in emissions that was immediate. He did not call for concrete steps to meet the goals. He said it would be unwise to do it at this time.

I believe Americans are leaders not followers. When the world faces a crisis, they do not wait for someone else to go first. Our country has always stepped in and taken leadership. When we see a problem in our own backyard—and my people in Minnesota see shrinking wetlands and endangered wildlife, they have seen what has been going on with our ski resorts and ice fishing—they do something about it.

Our friends across the seas in Europe have recognized the challenge. They have introduced a plan to cut greenhouse gas emissions covering 27 countries. It is a plan covering more than 12,000 industrial sites in 27 countries. And they did it using a concept known as cap and trade.

This was actually started in our country. That is how we reduced acid rain. The European Union did not do everything right. They will be the first to admit that. Their emissions targets were too high. They issued too many carbon permits. But they are getting it back into equilibrium. I believe we are going to learn from what they did, and we will do better when we do it in this country. But the point is, many of these European countries rose to the challenge and took leadership.

Here at home, our country's private investors and business leaders already recognize this challenge. Nationally, venture capital investments in green and clean technologies have increased dramatically. In 2006, venture capital investment in green technologies in the United States reached \$2.9 billion, up 78 percent from a year earlier.

Not only is clean technology the fastest growing venture capital sector, it is now the third largest category of venture capital investment. So when we talk about some of the things Senator DORGAN and I have been talking about with energy, and we mentioned wind, we invented a lot of that wind technology in our country. But now we have fallen behind in wind production to other countries that have government policies in place that pushed that investment.

From what I can see, wind is going to bring jobs across our country. So is solar. So is biofuels. All of these things that cut our dependency on foreign oil and invest in the next generation of new technologies, that money is starting to filter into that area. But I think we can do better in our country.

CEOs from major corporations such as DuPont, Duke Energy, and General Electric see the opportunities, and they are making investments of their own. More than 200 major U.S. corporations such as American Electric Power and DuPont have started buying carbon offsets that are now traded on the

new Chicago Climate Exchange. You can see the global investments I talked about in renewable technologies that have been increased in wind, in solar, and other kinds of renewable technologies.

A company subsidizes a project that reduces greenhouse gas pollution, building a wind turbine, for example, then recoups its investments by selling that offset to another company on the Chicago Exchange. The Chicago Exchange is new, but it reports that it kept 10 million tons of carbon dioxide out of the atmosphere over the last 4 years.

Meanwhile our Nation's Governors and mayors have also stepped up to the challenge. Governors in five Western States, including California and Arizona, have announced they will work together to reduce greenhouse gasses by setting regional targets for lower emissions and establishing a regional cap-and-trade system for buying and selling greenhouse gas credits.

California alone plans to cut its greenhouse gas emissions 25 percent by the year 2020. The Western Greenhouse Gas Initiative builds on other regional initiatives, especially the landmark New England Regional Greenhouse Gas Initiative, with seven Northeastern and Mid-Atlantic States that have also agreed to a regional cap-and-trade system set to take effect next year. You can see all of the States that have been involved.

In my home State of Minnesota, we have one of the most aggressive renewable electric portfolio standards in the country; a 25-percent reduction. We did this on a bipartisan basis. We did it with the support of ExelEnergy, our biggest electricity company. We did it the way we do things in Minnesota, with a focus on results and getting things done—Leadership.

There is also the U.S. Mayors' Climate Protection Agreement. More than 400 mayors representing over 59 million Americans have pledged to meet or beat the Kyoto Protocol greenhouse gas reduction goals in their own communities. Among the signatories to this agreement are cities in my home State of Minnesota: Minneapolis, St. Paul, Rochester, and Duluth.

I admire these States and communities that have signed onto this agreement for their initiatives and what they are doing. They should be an inspiration for this Congress for national action. There is a famous phrase, "the laboratories of democracy." That is what Justice Brandeis said in one of his most famous opinions when he described the special role of States in the Federal system.

He said:

It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But Brandeis did not mean this would serve as an excuse for inaction

by the Federal Government. We have States all over this country, Governors, legislatures that have been brave, that have been courageous in taking action on climate change. But never, when Justice Brandeis talked about the one courageous State going above the norm, doing something different, did he mean there should be inaction by the Federal Government. Good ideas and successful innovations are supposed to emerge from the laboratory and serve as a model for national policy in action. That is now our responsibility in Congress.

In about 1 month we will have the chance to take up that responsibility. We will have the opportunity to vote in the Chamber on landmark climate change legislation, the Lieberman-Warner bill. I thank my colleagues, Senator WARNER and Senator LIEBERMAN, for their hard work on this bill. I thank our chairwoman, Senator BOXER for her leadership as it moves forward. At this very moment we are listening to Members make changes to the bill, doing everything we can to make the bill as strong as possible.

The truth is, we can no longer delay. I have been to Greenland and have seen those humongous icebergs melting in the ocean, and I have seen the effect of this in my own State.

The Union of Concerned Scientists estimates if we start today and cut emissions by just 4 percent a year, we could achieve an 80-percent reduction in greenhouse gas emissions by 2050. But if we wait just 10 years, we would have to double that annual rate of reduction.

This is forward-looking, bipartisan legislation. It is comprehensive, and it is carefully tailored. It is our opportunity to show the leadership for which Americans have always been known.

I pledged last week I was going come to the Senate floor and give a speech about this legislation on different aspects of why it is so important to move forward and to show leadership on climate change. Today, I think it is obvious that as we face these long-term consequences of doing nothing with our energy policy, when it comes to electricity or oil, this is our chance. This climate change legislation will play a major role in developing the new technologies we need.

Mr. DORGAN. Will the Senator yield for a question?

Ms. KLOBUCHAR. I will yield.

Mr. DORGAN. Mr. President, the Senator from Minnesota talked about the importance of renewable energy, which I certainly agree with her. Is it the case with renewable energy that we have done a pretty pathetic job as a country to incentivize renewable energy?

In 1916, we put in place tax incentives to produce oil and gas. They have been in place permanently for almost a century now, tax incentives to produce oil and gas. By contrast, with wind and solar and renewable energy, we put them in place in 1992 short term incentives. We have extended them short

term five times and have let them expire three times. It has been a pathetic response to renewables.

The current tax incentives expire at the end of this year, and I have introduced legislation to extend the production tax credit for 10 years. I believe our country ought to say to the world and to investors: Here is where America is headed for a decade. Count on it. Believe in it. Renewables, solar, wind, and so on need a clear signal for investment. You can count on these investments because this is where America is going.

Is it not the case, I would ask the Senator from Minnesota, that we have not nearly done the job in incentivizing renewables and establishing a national policy. Does she agree?

Ms. KLOBUCHAR. Senator DORGAN, that is completely accurate. When you look at what we have done with oil companies, with the giveaways that we had for years and years and years, this Senate was one vote short of blocking a filibuster. We tried to change that, tried to take some of those oil giveaways and put them in the hands—we see record profits from the oil companies—put them in the hands of some of these renewables producers.

We were one vote short, but we have another opportunity. That is what the Senator from North Dakota is talking about, extending the tax credits for wind energy, solar, geothermal, and other kinds of renewables.

We did it in the last bill we passed through this Senate. We were able to, with some of the economic work we did with the mortgage crisis, extend that tax credit for 1 year. But we would like to do it for longer. Senator DORGAN has a bill for 10 years. I have a bipartisan bill with Senators SNOWE and CANTWELL expanding it for 5 years. The problem is, it has been a game of red light, green light. It goes on again, off again. It is hard to follow that investment, to follow in the way that we would like and the way that happens in other countries because they never know. You can show, 8 months before these tax credits go off, that the investment decreases.

This is no way to run a national energy policy. It is no way to run a national environmental policy. And that is why today I spoke about the leadership and the potential for leadership in this country.

We once put a man on the Moon. With that came not just winning the race against Russia, with it came all kinds of technology: the CAT scan, the space sticks that my family would take on camping trips in the 1970s. With that came technology. That is what we are trying to do with this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

#### DRUGBUSTERS' SUMMIT

Mr. TESTER. Madam President, I would like to thank the Senator from Minnesota and the Senator from North Dakota for their comments on renew-

able energy and climate change. That is definitely an issue I hope we take up sooner rather than later, and hopefully we will have some commonsense solutions to the problem so we can move this country forward both in the area of reducing our effects on climate but also economically because it is a tremendous opportunity with the right piece of legislation.

I rise today to urge the inclusion of the JAG/Byrne grant funding in the emergency supplemental that we will consider in the coming weeks. A week ago, I organized a summit of drugbuster law enforcement in my home State of Montana. I asked all of the leaders of Montana's drug task forces to come together to talk about Federal funding. It is a critically important issue.

Many of them drove hundreds of miles across the State in a spring blizzard to take part in this summit. The drug task forces are made up of dedicated law enforcement officers from every part of Montana: sheriffs' deputies, narcotics officers, local and State police, and undercover agents. They work together across jurisdictions to bust drug smugglers, as well as those who grow or manufacture instate.

Our State of Montana has 56 counties. There are, of course, a lot of different regions that deal with the task forces, that deal with catching the drug manufacturers and smugglers. It is critically important that these folks work together.

There is cause for concern because the President proposes slashing \$350 million from the drug task forces nationwide. If that happens, Montana will lose a staggering 70 percent of its national drug fighting money for the upcoming year, and the task forces would probably have to lay off 27 agents, leaving only 22 agents to battle drugs statewide. In a State the size of Montana that is impossible.

We should not let that happen. We should find a way to fund these drug task forces in this supplemental, this spending bill that we are going to be considering in a few weeks. If we do not, these cuts will cripple the progress that we have made up to now in the war on drugs in rural States such as the State of Montana.

These drug task forces are success stories. The officers who are on the front lines keep drugs, the drug smugglers, and the drug dealers off our streets. They make our communities safer; they reduce crime, and they make a place like Montana a whole lot safer to live and raise a family. These drug busters work together to get the job done.

Because drugs are not limited by borders, these task forces rely on Federal funding to facilitate the cooperation across the many jurisdictions of Montana, and it works.

Last weekend, folks picking up some trash in Havre, MT, stumbled across a dumped meth lab. They called the police, and within minutes the task force

agents were there on the scene to help clean it up and keep the community safe.

A week ago Monday I heard about a drug operation busted in a remote part of southeastern Montana; so remote, in fact, the task force needed the help of the National Guard helicopter to find it. Officers found 3 pounds of methamphetamine.

Last summer, the Northwest Montana Drug Task Force investigated a case that took them across State lines to Salt Lake City, UT. In the end, they seized 2 pounds of cocaine. They took 20 illegal weapons off the streets, and they say they couldn't have done it without their ability to work across jurisdictional lines and work together. For example, one task force busted a meth lab in a home. Through surveillance, they knew children were present. They took the precautions not to put the children in any more danger. When the bust was made, one child inside tested positive for meth because he was living in a house where they were cooking meth. Even his toys were covered with meth resin. This case set the standard for the way officers deal with and protect children in harm's way. In only 1 year, Montana's drug task forces rescued 84 children from homes where they were being exposed to drugs and drug dealers.

To me, restoring this funding is a no-brainer. As one of the officers put it: We will end up spending much more money in the future if we have to play catchup.

During the summit last week in Montana, officers told me again and again that without Federal funding our small communities will be devastated. Our children will be exposed to more drugs and, therefore, more crime, and families will be torn apart.

I hope we can all work together to restore this funding. Montana and the Nation cannot afford to do otherwise. Americans deserve better.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ENERGY PRICES

Mr. BINGAMAN. Madam President, I wish to take a few minutes to discuss what has become a very tortured topic for the entire country; that is, the prices for oil and gasoline and diesel.

I would like to respond, first, to the President's misstatements about Congress's role in this situation. These

are misstatements he made on Tuesday at his press conference. Then I would like to talk about what I believe are some of the real causes of the energy situation and what constructive steps we can take to address those causes.

First, with regard to the President's statements, on Tuesday he suggested the Congress is to blame for the current price situation Americans are seeing when they go to fill up at the gas pump. He cited three reasons to conclude that.

First of all, he was blaming Congress for preventing oil companies from exploring for oil and gas in the United States. Second, he was blaming Congress for blocking efforts to build more refineries in the United States. Third, he was blaming Congress for blocking increases in the U.S. nuclear electricity production capacity.

Frankly, I think the President's comments are disappointing in several regards. First, of course, they are very partisan. But second, the charges the President made are simply not borne out by the facts.

On exploration and production of natural gas in this country, Congress has taken significant steps on a bipartisan basis to enhance oil and gas production. Through enacting the Gulf of Mexico Energy Security Act of 2006, Congress made available 4.74 trillion cubic feet of natural gas and 1.26 billion barrels of oil off the Florida Panhandle.

Ironically, Congress was required to pass that law because of steps that were taken early in the Bush administration. In her first year in office, in 2001, Secretary of the Interior Gale Norton cut the size of the scheduled Outer Continental Shelf lease sale in the area by 75 percent. So with the stroke of a pen, the Secretary of the Interior, in 2001, put off limits over 6 trillion cubic feet of natural gas and over 1 billion barrels of oil from an area that had been proposed for leasing by the Clinton administration, I would say, with the concurrence of our former colleague, Lawton Chiles, who was then the Governor of Florida.

So while, undoubtedly, a politically popular stance for the Bush administration in Florida when this action was taken by Secretary Norton, this was hardly an action that was intended to enhance oil and gas production in the country.

In fact, large areas of the Outer Continental Shelf are currently off limits to oil and gas development and production not just because of congressional moratoria but because of Presidential withdrawals that were first put in place, in 1990, by the first President Bush. This current President Bush could exercise real leadership in this area, if he wished to, by eliminating these Presidential withdrawals that were first put in place by his father.

We are talking about a significant area. There are some 574 million acres of the OCS, or Outer Continental Shelf, that are unavailable for leasing, and

virtually all that is covered by Presidential withdrawals, which could be eliminated by this President with the stroke of a pen.

The Arctic Refuge is another issue raised by the President. He failed to mention drilling in the Refuge will do nothing to address the high price of gas people are faced with today. I think everyone who has looked at the issue recognizes that not a single drop of oil would come to the lower continental United States from the Arctic Refuge for at least 10 years.

The Energy Information Administration has estimated that production from the Arctic Refuge would, at its peak, reduce our reliance on imports by about 4 percent, from 68 percent to 64 percent. That is the estimate the Energy Information Administration has given, which, of course, is part of our own Department of Energy.

Other areas of Federal lands that are much more appropriate for development can and should be drilled. In fact, of the 45.5 million acres of Federal onshore lands currently under lease by industry, there are over 31 million acres of those lands that are not currently being produced. Likewise, there are 33 million acres of Federal Outer Continental Shelf that are under lease; that is, the Government has done what it should do to make these areas available, but they are not being produced.

The processing of drilling permits on Federal lands has surged over the past several years. It has more than doubled between 2001 and 2006. At the same time, the administration reported that in five key basins in the Rocky Mountain States, 85 percent of oil resources and 88 percent of natural gas resources are currently available for leasing and for development.

Congress has also funded important research and development programs to enhance the best of production. It is simply inaccurate finger pointing to say that Congress is impeding oil and gas development in this country.

On refinery capacity, which is the second point the President made in his press conference, refining capacity has increased by about a million barrels per day during President Bush's tenure, from 16.6 million barrels per day in 2001 to 17.5 million barrels per day in 2007 through capacity expansion and existing refineries. There have been no efforts from Congress to try to slow down that expansion. Refiners have been asked whether they would like to build new refineries as opposed to expanding capacity at existing refineries, and those refiners have told us in hearings before our Energy Committee that they would rather expand capacity at existing refineries. We have never heard support from anyone inside the oil industry regarding the President's curious plan to build refineries on former U.S. military bases. As far as I know, no Member of Congress objects to that; it is just that the companies that are in the business of constructing refineries have not decided that it

makes good sense for them from an economic point of view.

The economics of refining are not very good at the moment, as gasoline prices are not yet fully reflecting the jump in crude oil prices. U.S. refining capacity is at about 85 percent utilization at the current time, as many refiners are losing money on every gallon of gasoline they produce. Clearly, constraining refinery capacity is not our current problem.

The third issue the President attacked the Congress about was nuclear energy production. Here again, Congress is not standing in the way of increasing nuclear production capacity. In fact, Congress over the past 3 years has put in place one of the most favorable sets of incentives for nuclear power development anywhere in the world.

For example, if a nuclear plant is proposed for licensing and is delayed because of a lack of action by Federal regulators, the proponents of the plant can get Federal payments to compensate for that delay. Now, that was part of the 2005 legislation we passed. No wind power developer can get that kind of a subsidy. No solar power developer can get that kind of a subsidy. We also provided tax incentives for the construction of new nuclear powerplants. So if the Congress passes global warming legislation—I know the administration and the President are opposed to that, but if we do, according to the Energy Information Administration, the most significant impact of that global warming legislation would be to provide a powerful new incentive to promote more nuclear power development in this country.

So let me move on from the discussion of the President's charges to a short discussion of what I consider the real causes of current oil prices. I think to understand what is going on here, it is critical to put these oil prices in the broader economic context. The current increase in oil prices is, to a large degree, a symptom of our ailing economy. Oil prices and the value of the U.S. dollar have been very strongly linked over the last year. As the value of the dollar declines, oil prices go up.

We have heard recent testimony before our Energy Committee that confirms that investors are seeking protection from inflationary risks associated with the weak dollar and from credit and wider financial markets in which they have lost confidence. As one witness put it, oil has become the new gold, and that is why speculators and others are investing in oil. Higher oil prices in turn weaken our economy, so we are caught in a downward spiral in which a weak economy is resulting in high oil prices, and high oil prices are, in turn, further weakening the economy.

So the question is how do we stop this downward spiral. This is a large task. It requires, first and foremost, a return to rational fiscal policy that will restore balance and investor confidence in our markets. That includes



an honest accounting of the costs of the war in Iraq, a figure that we now know is going to be in the trillions of dollars. Spending has also been accompanied by the administration's tax policies which have been extremely damaging to the country's long-term fiscal health. Every American family that sits around the kitchen table and tries to balance a budget recognizes the simple fact that spending more than you earn or more than the revenue you can bring in results in, after a period, your creditors eventually coming calling. That is what is happening to the dollar today. Apparently, the stewards of the U.S. economy and this administration have failed to absorb that simple reality.

Let me talk a little about policies to reduce oil prices in the short term. There are modest but important measures we can enact to increase our oil supply and reduce our demand. On the supply side, we need to immediately stop removing oil from the market to fill the Strategic Petroleum Reserve. It simply makes no sense to be putting \$120 per barrel oil underground. According to the most recent Energy Information Administration forecast, oil demand in the United States is expected to decline by 90,000 barrels per day in 2008. This is the kind of signal we need to send to the market in order to see some relief from current prices. However, we are taking 70,000 barrels per day off the market to add to the Strategic Petroleum Reserve which we all recognize is about 97 percent full right now. We are basically wiping out any positive effects from the decrease in demand. This is a policy completely wrongheaded and should be stopped immediately. I compliment all three of the candidates for President for embracing this recommendation that we eliminate the filling or we suspend the filling of the Strategic Petroleum Reserve. I wish the administration would support that simple measure.

On the demand side, we need to decide whether we are ready to get serious about educating consumers to take more responsibility to reduce consumption. We know that 5 miles per hour slower that a person drives will increase our fuel efficiency for that individual by about 7.5 percent. We also know that energy-efficient, properly inflated tires increase fuel efficiency by about 4 percent. Regular car maintenance can increase fuel efficiency by about 2 percent. So Americans individually could use about 10 to 15 percent less gasoline by adopting these commonsense measures. But to see we do that, we will need publicity out there to educate folks on the simple steps they can take to reduce consumption. In the medium term, we need to ensure there is a cop on the beat on the oil markets.

There are two key steps we should take to improve Government oversight of the oil markets. First, the Secretary of Energy needs to have a role in overseeing oil markets. It troubles me that

the people at the New York Mercantile Exchange on which oil is traded and the Commodity Futures Trading Commission which regulates that exchange seem to be the only people who think that speculators are not influencing oil prices.

Here is a quote from the Wall Street Journal on March 21 of 2006. It says:

Hedge funds are taking ever-larger bets in a futures market that is smaller than the stock or bond markets, and the funds are using borrowed money to maximize their bets, magnifying the impact on energy market prices.

So clearly, the Secretary of Energy and the 500-plus employees he has there in his Energy Information Administration who work every day to analyze energy data, forecast energy supply and demand, and prices should at a minimum provide insight and advice to market regulators at the Commodities Futures Trading Commission. Perhaps this could help the Commodities Futures Trading Commission come to understand the role of speculators in that market.

Second, we need to shed light on the so-called dark markets. Markets that trade U.S. oil or are located in the United States should be subject to U.S. regulation. It is unacceptable that an exchange that is based in Atlanta, GA and trades U.S. crude oil that is delivered in Oklahoma is regulated in the United Kingdom, not subject to the laws and regulations that we in Congress put in place to govern the U.S. futures market. It is also unacceptable that over-the-counter markets are regulated neither here in the United States nor in the United Kingdom. There is simply no regulatory body that can see these over-the-counter transactions.

Let me also say a few words about policies that will not reduce gasoline prices. First, there is a proposal to suspend the tax on gas and diesel. While I can appreciate the temporary public relations success that might accompany this tax suspension, it would come at the expense of fiscal common sense and sound energy policy. I agree that high gasoline and diesel prices are hurting consumers, but additional deficit spending will only help accelerate the downward trajectory of our economy as a whole. This is simply the latest in a long line of proposals that seek to score political points during an election year at the expense of good energy policy.

There are three main objections to the proposal. First, it would increase deficit spending by nearly \$10 billion while saving motorists about \$25 per person. If you do the math, you find that even if all of the savings are passed on to the consumer, which is a very unlikely outcome, the savings per person is negligible.

If you assume that the average motorist drives 12,000 miles per year and gets 22 miles per gallon, you can calculate that the amount the average person would save in a 3-month period

is \$25.50. So adopting the fuel efficiency measures I have discussed earlier, including shaving a few miles per hour off the top highway speed, would be much more effective in reducing the cost of gasoline to the average consumer.

Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. I believe the Senator has used his 15 minutes.

Mr. BINGAMAN. Madam President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, the second argument I wanted to raise related to this proposed suspension of the gas tax is the idea that it would be reinstated in September when prices might well be as high or higher than they are today would be very difficult and very unlikely to occur, frankly. We are talking about reinstating the gas tax in September. I think that is the proposal the Senator from Arizona has made: Let's suspend the gas tax now, or at Memorial Day, and let's reinstate it on Labor Day. Well, the problem with that is Labor Day is about 2 months before the election. It would not be politically feasible to have a single-day price increase on September 1st of 18.4 cents per gallon for gasoline and 24.4 cents for diesel. I don't think anybody—any politician in his or her right mind—would vote to impose that kind of a tax increase at that time. Prices could easily be as high or higher on September 1 as they are today. It is simply not possible to me that Congress will then choose to increase the price that consumers pay at the pump.

The third argument is that this tax suspension would stimulate demand for motor fuels without increasing supply. In fact, we would see something in the nature of a price increase. The best explanation of this was done by Paul Krugman, a respected economist who writes for the New York Times and teaches at Princeton, in an article he did on April 29. He said in that article, I think the conclusion was, the McCain gas tax plan is a giveaway to oil companies disguised as a gift to consumers.

The obvious point he was making is that under the basic rules of economics, the fact that Congress would suspend the gas tax would do nothing to ensure that consumers benefited from the suspension of the gas tax. The whole notion that you are going to see the price of gas at the pump drop 18 cents because Congress says the tax is all of a sudden suspended is not realistic.

In conclusion, we as a country and we as a Congress need to get serious about energy policy. It is an election year. While there is always a tendency to take rhetorical stands in the runup to an election, the American people understand that. I think they discount what they hear from Washington as the

election date begins to arrive. That is one reason they don't always hold Congress in the highest esteem. Proposals that are mostly feel-good propositions do not fool voters for long—if they fool them at all.

That said, there are a number of concrete steps we can take that will help. We should freeze the filling of the Strategic Petroleum Reserve—suspend that for the time being. We should take some effective actions to bring the oil markets under better control with U.S. laws and regulations. Let's be sure consumers know what they themselves can do to reduce their own demand. I hope that with oil at \$110 to \$120 per barrel, which it has been for several weeks and which it may well be for several more weeks or months ahead—or even a longer period—I hope we will give this topic the serious attention it deserves.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, today, marks more than 2 years—by my count, 738 days—since Speaker PELOSI said:

Democrats have a commonsense plan to help bring down skyrocketing gas prices.

That was on April 24, 2006—738 days ago. I think it is important to look at what has happened to the price of gas and to see whether her prediction was correct.

Lo and behold, we find the average price of a gallon of gasoline in America at \$3.62, up \$2.33 from the time when Speaker PELOSI became Speaker in January of 2007. Again, that is a rise from \$2.33 a gallon to \$3.62 a gallon.

I will tell you we have been asking and waiting, and the American people have been waiting and watching, to see what Congress is going to do to help relieve some of this pain at the pump. The American people want us to work together to try to find commonsense solutions to help them with this increasing pain they are feeling in the family budget.

Do you know that taking the difference between \$2.33 a gallon and \$3.62 a gallon represents roughly a \$1,400 increase in the cost for gasoline for the average American family? Of course, I don't have to tell anybody here, or anybody listening, that this is necessary for driving the kids to school, driving to work; it is necessary also to provide fuel for the airplanes Americans fly in. This is an American problem, and I suggest we need to come up with an American solution.

The problem has been that about 60 percent of our energy needs in this country are now satisfied by imported oil and gas from other parts of the

world. That is a national security challenge because, of course, to the extent which others supply our energy needs, it means they can turn off the spigot; or if hostilities were to occur that would, let's say, for example, block the Strait of Hormuz, there could be an economic body blow to the United States as a result of the restriction on our energy supply.

We need to recognize there are certain things that are irrefutable or, I should say, maybe unchangeable by Congress. We can pass a lot of laws and repeal laws, but we cannot change the law of supply and demand. Try as we might, Congress has neglected that for these many years. While we have done some good things on conservation, passing fuel efficiency standards recently, and we have also supported renewable fuels, which are an important part of the energy supply, you cannot put wind energy in your tank to drive your kids to school.

We need to recognize that with a fixed supply of oil, which is 70 percent of the price of gasoline, we are competing globally with countries such as China and India, rising economies where people want a better quality of life, and they realize one key to that is affordable energy. America has not had that exclusively, but we have had it pretty much to ourselves, and others want what we have, which is a good quality of life and standard of living. That comes with affordable energy.

So what are we going to do about satisfying the laws of supply and demand? Of course, we know Congress is the primary culprit when it comes to obstructing access to American natural resources. I remember that when I was growing up, we would talk about different countries in school and about how some were blessed with abundant natural resources and how that was a good thing because the citizens of that country could use those natural resources to enhance their quality of life—in this case, provide for affordable energy. But we have simply, by our inaction—and I would say to the extent it applies—actually acted affirmatively to place our natural resources out of bounds in a way that has exacerbated and not solved the problem.

I know how popular it is these days to say it is all big oil's fault. The blame game. Then we have people saying we need another investigation. Well, the blame game and investigations are important, and investigations and oversight is for Congress, but that is not producing a single drop of additional energy. We need to do that and we need to act today.

A moment ago, a group of Senators announced an omnibus energy bill that would satisfy America's need for more American solutions to our energy supply. My hope is that by taking advantage, for example, of the million-barrel-a-day capacity Alaska could supply, by taking advantage of the Outer Continental Shelf, such as we have in the Gulf of Mexico, with the vast oil depos-

its there, and by taking advantage of our abundant natural resources in the form of oil shale in the West, we could relieve our dependence upon imported oil in this country to the tune of some 3 million barrels a day.

I know there are environmental and safety concerns with developing our oil and gas resources right here at home. But I invite the people who are concerned about that and who do not believe we can do so to come to Fort Worth and see the Barnett shale, which is an abundant, plentiful source of natural gas being developed right in the city of Fort Worth. As a matter of fact, if you fly into DFW Airport, you will see drilling rigs on the airport property. The tract of land in Alaska that is going to be explored and used for producing this million-barrel-a-day-plus oil that is located in the Arctic is going to be on a postage stamp-size piece of property.

I see the distinguished ranking member of the Energy Committee. I was saying the city of Fort Worth is producing the Barnett shale and actually drilling gas at DFW Airport and that you can see the rigs there.

I suggest that if we can produce those natural resources in Texas and in Fort Worth on the DFW Airport property, American energy producers can do it in Alaska. People are concerned, as they should be—and I wish they would act on those concerns and not just complain about it—about \$120-a-barrel oil. It has been projected that if we were to take advantage of the natural resources God has blessed us with in the Arctic, we could produce oil there that costs roughly \$55 a barrel. So \$120 a barrel or \$55 a barrel? You pick.

If we are talking about developing oil resources from the Outer Continental Shelf, even beyond the horizon, as we did in lease sale 181 in the Gulf of Mexico—it is 300 miles off the coast of Texas. You cannot even see it. Yet we have a way of producing those abundant resources. If Congress will simply quit the blame game, the finger-pointing and wake up to the fact that the American people are feeling pain not only at the pump but in their family budgets—they are looking for Congress to get out of the way and let the American people produce the natural resources we have been blessed with, in a way that will satisfy the laws of supply and demand, by producing as much as 3 million barrels of additional oil, which will then have a dramatic impact at the pump and help American families meet their energy needs at a reasonable price.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. I didn't hear the Senator from Texas say he was finished.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2958 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORNYN. Yes, I yield the floor.

Mr. DOMENICI. I thank the Senator.

Mr. DOMENICI. Madam President, I ask unanimous consent that the floor time now be given to Senator KENNEDY, who has been patiently waiting, for which I am grateful.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I thank my friend and colleague from New Mexico. We will not have a chance today to talk about mental health parity. But whenever I see him speak on the floor I am further inspired to make sure we are going to get that legislation passed in this Congress. I thank him for all of his good work in that undertaking. We are strongly committed to ensuring that this very important health policy issue is going to be addressed in the Congress.

I see my friend from Illinois. I know he was seeking the floor. I ask unanimous consent that he be recognized after I finish.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNEMPLOYMENT INSURANCE EXTENSION

Mr. KENNEDY. Madam President, tomorrow we are going to have the report by the Bureau of Labor Statistics about the unemployment figures in this country. Those unemployment figures may be statistics to some, but they are lost hopes and dreams to millions of our fellow citizens. They are a key indicator of the state of our economy. I think most of us who have had the opportunity to travel our States and listen to working families understand the extraordinary pressures these families are under, the incredible anxiety that goes to the heart and soul of these families. They really wonder if somehow they are guilty in some way for not being able to deal with the economic challenges they are facing, whether it is the increased cost of gas at the pump, or whether it is the increasing cost of tuition, the increasing cost of health care, or the challenges they are facing with their mortgages.

This afternoon I want to speak for a few minutes about the issue of unemployment and how that has impacted so many of our fellow citizens and what the implications are for so many of our fellow citizens. Even though we do not have the figures, I think we can reliably suggest there is going to be a further increase in the number of unemployed Americans when we get the figures tomorrow morning. These are the figures so far this year: we see 76,000 jobs lost in January; in February, 76,000; some 80,000 in March—232,000 jobs were lost over the period of these 3 months. There were 50,000 construction jobs lost. That sends a message in and of itself.

If we look at this chart, we see the total number of unemployed. These are

the Bureau of Labor Statistics figures. In March of 2008 we have 7.8 million unemployed and only 3.9 million jobs. That's two workers for every job. Here we have individuals, Americans, who have worked hard, played by the rules, and, through no fault of their own, because of the failure of fiscal and monetary policy, they have lost their jobs. Yet when we look back at the total number of job openings, they are limited. These Americans are getting squeezed. How are they going to be able to find jobs when the jobs are not available even if they have the skills? We are going to come back to that in just a moment.

These families are hurting. That is why it is so important that we have an increase in the unemployment compensation program that is now in surplus of about \$35 billion. That fund has actually been paid into by American workers. They have paid into the fund \$35 billion, and the reason they paid in was for circumstances such as this, a fiscal and monetary economic policy which has failed them. They are entitled to receive the unemployment compensation. Yet we have an administration which has consistently opposed extending unemployment benefits. I am going to come to that in just a moment too.

Here are recent veterans who having served, are having a hard time finding work. The total workforce, 5.1 percent unemployed; for these veterans serving after 2001, we can see their unemployment is 6.1 percent. And the young male veterans, serving after September 2001, are at 11.2 percent. These are all veterans, but this is young men—11.2 percent. These young Americans were the ones who had the burden of conflict and now they are facing the burden, at home, of an economy that will not serve them and serve their interests. Where is the burden falling? It is falling on our young veterans, and it is falling particularly hard.

This chart indicates where the burden of this economy is falling. We are finding out it is increasingly falling on adult women, who are seeing a sharper rise in unemployment rates than men. There is a 21-percent increase for women, and 15 percent for men, between March of 2007 and March of 2008. Do we understand how it is squeezing women? Women are more likely to have subprime mortgages than men, despite having slightly better credit scores. Women are having their homes foreclosed at a more rapid rate than men, their unemployment rates are going up, and their savings are lower. They are the ones who are taking the brunt of this recession along with young veterans.

Here we find women's earnings are falling faster than men's. Men's median income in 2007 fell one-half of 1 percent for men, women's fell 3 percent. We see increasing numbers of women are unemployed, and the wages of women who have jobs are being adversely impacted to a much higher and more significant degree.

We see what has happened generally with regard to the economy. The stock market lost \$2.7 trillion in value since May of 2007. This crisis has wiped out \$2.7 trillion in home values. The dollar has lost one-third of its value, and the Federal debt has nearly doubled since this President took office. Again, we are looking at home values, which is the wealth for so many middle-income and working families—\$2.7 trillion effectively has been wiped out during this last year.

All these figures show middle-income families, working families, are taking the heavy brunt of the recession we are facing. We should ask ourselves what are we doing about this. If we look at what we have done at other times, we have granted extended unemployment benefits. Look at the last recessions we have had, from January 1980 to July 1980, and then July 1981 to November 1982, the average number of weeks of unemployment was 16 weeks. And we extended unemployment compensation.

The next recession we had was July 1990 to March of 1991. The average weeks of unemployment was 13.9 weeks, but we had an extension of unemployment compensation.

In March 2001 to November 2001, 15 weeks was the average number of weeks of unemployment, and we had an extension of the unemployment compensation.

Here, look at this: 16.2 weeks is the average number of weeks workers are unemployed today—16.2 weeks—and this administration refuses to say the \$35 billion that is in the unemployment compensation fund that you have worked for and contributed into that fund, should be available to you when we have adverse economic conditions. These are just the kind of conditions that they are there for. This administration refuses to do anything about it. It is a striking difference for working families who are trying to make it and provide for their families.

Very briefly, this chart demonstrates that during a recession, among the limited economic stimulus measures, unemployment compensation is among the most promising investments—every dollar we invest in unemployment compensation has the effect of \$1.64; for infrastructure it is \$1.59 for every dollar invested; and it is \$1.73 in food stamps. This is from Moody's chief economist. There is much less impact, obviously, for the Bush extended tax cuts.

We should look at what is happening in food stamps—we do not frequently think about the numbers of our fellow American citizens who are dependent on food stamps, but we should pause now. We certainly should if we have been back home and listened to those who have been running the food banks in our States and we find out the condition of those food banks. 28 million Americans are projected to receive food stamps in fiscal year 2009—28 million Americans are going to be eligible for food stamps in 2009. Look at the indicators. This is another indicator

about what is happening in the economy, the kind of pressures that middle-income and working families have.

We could also ask, Why aren't we trying to provide training for these workers who are struggling to find a job? If we improve their skills, they will be able to find a job—is that right? No, it is wrong. What we are finding is Americans cannot access job training programs. This administration has been cutting back virtually every year on job training programs.

Look at this. In Massachusetts alone, for every available slot in a job training program there are 21 workers on a waiting list. Do we understand? There are 21 workers on a waiting list. These are American men and women who want to work, have worked, want to provide for their families, and they cannot even get the training in order to be able to fill the jobs. We have 83,000 jobs in my State that are not being filled today, but we have cut back. This administration has cut back on the training programs. This is the kind of misstep this administration has taken time in and time out.

I just remind the Senate about action that we took just yesterday with regard to students and the student loan program. One urgent step that we must take to ensure that the slumping economy does not prevent young people from going to college is to provide some help and assistance, and we did yesterday.

Right now, in May, students and their parents are applying for financial aid and the loans they need to attend college in the fall. This is happening just as some banks have said they are no longer offering student loans. We cannot allow the slumping economy to limit the horizons of a new generation of Americans. Students and parents need to know we will do everything we can to guarantee that every single student who needs a loan to go to college in the fall will get one, even in these troubled economic times. We will increase the amount of grant aid available to relieve the debt burden on needy students.

Yesterday the Senate passed legislation to do just that. The House of Representatives also passed the legislation just a few hours ago, and President Bush has indicated that he will sign it into law. This is what the emergency legislation does: For students, if private loans through the banks dry up, they can get lower cost government-guaranteed loans to take their place. So no matter what happens in the private loan market, the government loans will be there, and they will be there for them.

This guarantee comes in two ways. First, the bill expands the amount of Federal loans available for a student for 4 years of college from \$23,000 to \$31,000, an \$8,000 increase. Second, it ensures that students will have easy access to Federal loans.

If banks are not willing to make these loans to students, State-based,

nonprofit agencies, called the guaranty agencies, will take their place.

So for every student, there will always be someone to provide the loans, either through the private sector or through the Government.

Also, for thousands of low-income students, we increased the grant aid by up to \$1,300 a year for underclassmen and \$4,000 a year for upperclassmen. That is not a lot, but it is a part of an ongoing commitment to help low-income college students avoid the crushing burdens of debt that inevitably distort their choices for the future.

The bill also helps parents by providing them with better options and better access to the low-cost Federal PLUS loans alternative. This provides help to parents. It allows the parents to delay the repayment on the loans until their child has graduated from college. It makes it easier for parents who have been hit by the mortgage crisis to obtain these low-cost loans; help for the students, help as well for families.

Finally, the bill helps stabilize the overall student loan market by authorizing the Secretary of Education to purchase outstanding federal loans, allowing private lenders to replenish their capital so they can make new loans to students and parents.

For the 6 million students and over 700,000 parents currently relying on low cost federally subsidized loans, these steps mean they will continue to have ready access to these funds, even as the credit markets discourage lender participation in the Federal program. In other words, students and parents will now have multiple avenues to obtain low-cost Federal loans.

Fortunately, Congress has taken prompt action to prevent college students from becoming the next victims of our failing economy, and I commend President Bush for urging us to do so. I am grateful to Senator ENZI, Congressman MILLER, Congressman MCKEON for their partnership on this legislation, and for the support and assistance of the Secretary of Education.

I hope we can replicate this bipartisan effort in tackling other urgent economic issues. There is much work to be done to ensure that Main Street is insulated from the problems of Wall Street. It is clear that the Nation faces a serious ongoing economic challenge. We know what we have to do to put our economy and our country back on track. To do that we need to seize the moment and act immediately to help the millions of Americans who need our help the most.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I see the Senator from Michigan on the floor. I know she is here to address the same topic as the Senator from Massachusetts, and she has a 5 o'clock conference committee on an important bill pending before the Senate. I ask unani-

mous consent that she be allowed to speak in my place and that I follow her.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. I thank our distinguished assistant majority leader for allowing me to do this. It is very important. I thank my colleague and friend, the champion from Massachusetts, for all of his efforts as they relate to the efforts to make sure college loans are available. Also I want to speak to the fact that we are working together to extend unemployment insurance benefits, and I greatly appreciate his leadership.

I want to specifically today speak to that piece of the effort we are working on together. Because since my colleagues across the aisle blocked extending critical unemployment benefits from the part of our first stimulus package, frankly, the situation has only gotten worse for families in Michigan and all across the country.

National unemployment is on the rise, with our Nation losing 80,000 jobs in March. It is stunning to me when we look at what is happening across the country. I have to say, these are not new kinds of numbers for us in Michigan. We have been seeing these kinds of numbers now for a number of years but we see nationally, in this last January, 76,000 jobs were lost; in February, 76,000 jobs were lost; in March, the highest number, 80,000 jobs were lost; 232,000 jobs cut in the past 3 months.

I remember coming to the floor and having colleagues say: Well, overall unemployment is not high. We do not have a problem. It is below 5 percent. Well, now it has crept up above 5 percent, and we are being told by Goldman Sachs and the Bureau of Labor Statistics that by January, this coming January, the national unemployment rate will be 6.5 percent.

We in Michigan would actually consider that a decrease, because ours is at 7.2 percent. But nationally when we look at that kind of steep increase in those people who are out of work, we need to be paying attention to this. Families, middle-class families, who have worked hard all their lives are finding themselves in a situation, due to no fault of their own, where they are looking for work, trying to keep their family together and, in fact, are looking for us to do what we have always done in times such as these, which is to extend unemployment benefits across the country for families, and particularly for those States that are hardest hit.

We have 10,000 people right now in Michigan every month who are losing unemployment benefits. That for us relates to the fact that we are one of the highest States in mortgage foreclosures, why people cannot afford to pay for their mortgage. So the ripple effect throughout the economy is staggering when we look at the fact that on

top of what is happening to people who are losing their jobs and cannot afford their mortgage, their gas, when we look at what is happening with gas prices.

We in the majority have been coming to this floor and have been doing everything we can in putting forward proposals to deal with the high gas prices. We have not been able to get support from colleagues to truly address this, what needs to be addressed, and even putting food on people's tables and health insurance.

Everything is going up in the wrong direction, including the fact that people are now losing their unemployment benefits. We have been suffering in Michigan through several years of high unemployment, as I mentioned. We have 7.2 percent unemployment right now. In the first half of this year, over 72,000 people exhausted their unemployment benefits. But we are not alone. This is not only a Michigan problem anymore. Alaska, California, Rhode Island, Mississippi, Nevada, Missouri, Oregon, South Carolina, Kentucky, Ohio, all have unemployment rates at or above 5.7 percent. Across the country, millions of Americans are losing what are insurance benefits. We are not talking about public assistance, we are talking about an insurance system that they paid into, that employees come into for these circumstances.

We have not seen the President's willingness, up to this point, to support extending unemployment benefits and, subsequently, my colleagues on the other side of the aisle. This makes absolutely no sense. Frankly, from an economic standpoint, it makes no sense.

Moody's economy.com chief economist Mark Zandi estimates for every \$1 spent on unemployment benefits, the economy is stimulated by \$1.4. We knew that when we passed the original stimulus package. Rather than a rebate, many of us were arguing that the best way, the fastest way to stimulate the economy was to give dollars directly to people out of work, struggling to make their payments, who on average make 40 percent of their wage from this unemployment insurance system. The people would have to turn right around and go to the grocery store, buy clothes for their children, spend the dollars they receive in unemployment benefits in order to be able to keep going. What we have heard over and over again from colleagues on the other side of the aisle is: We should wait; we should wait; it is not that bad; it is not bad enough. I do not know how many times we have heard the President say, up until recently, "Well, the underlying fundamentals of the economy are good" or "Things really are not as bad as people think."

Well, they are. They are. The American people know that when they are being hit on all sides with rising costs and lower wages. So I am here today to urge my colleagues to come together to

understand what American families are going through, and to support, strongly support, an extension of unemployment compensation.

Let me say in conclusion that this unfortunately is a pattern we have seen over and over again when it comes to blocking those programs that are critically important for American families. Over and over again we see colleagues filibustering issues, stopping us from moving forward on what makes a real difference in people's lives.

It is not only extending unemployment insurance for families and workers in Michigan and across the country, but it is part of a pattern of blocking and obstructing what is important to families in this very difficult economy. Last year my colleagues on the other side of the aisle blocked an energy tax bill that would have increased the production of renewable fuels and helped bring more advanced technology vehicles to the marketplace to reduce our dependence on foreign oil and begin to address what is happening on the gas price side of things.

But, unfortunately again, these efforts were blocked time and time again when we brought forward proposals that relate to energy and pricing and accountability for the industry. Moving tax breaks from oil companies to alternative fuels or to consumers, we have been blocked. I have to say also in conclusion today that once again, a critical issue to this safety of the American public has been blocked, and that is the question of whether we are going to modernize air service in this country; whether we are going to truly have a passenger's bill of rights; whether we are going to update a system that is clearly overloaded, clearly in crisis. We have been trying all week to bring to the floor critical changes to upgrade the American airline system, and once again these efforts have been blocked and blocked and blocked. We have a whole range of needs in this country that are urgent for the safety of those of us who are flying with our families and are counting on the fact that everything that is being done to make sure that system is the best in the country and it is safe.

We see that families are struggling with gas prices. We see in my home State again 10,000 people a month losing unemployment insurance who are trying to figure out how to make ends meet while we see blocking after blocking, filibuster after filibuster, here in the Senate stopping us from moving forward on important legislation.

I urge my colleagues to listen to the folks at home and what they are going through, and to join us to extend unemployment insurance, to address what are outrageous gas prices, and also make sure we are being serious and responsible about important issues such as airline safety.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Illinois is recognized.

Mr. DURBIN. My thanks to my colleagues from Massachusetts and Michigan for bringing to our attention the struggle this economy presents to many families across the United States.

You would almost find it hard to imagine that this Senate could meet with such regularity and not address these issues directly. But this administration and its economic policies have not focused on working families. They have focused on tax breaks for those in the highest income categories in America. That is something they do without embarrassment. They suggest that if the wealthy people in America have extra money to spend, it will be good for everyone else. That is a hard message to deliver and even harder to believe.

Elizabeth Warren is a professor of law at Harvard Law School in Cambridge, MA, and has become a good friend and adviser to many of us. She recently made a presentation to a number of Senators and showed an analysis which she had done relating to the middle of the middle class. Professor Warren took a look at real middle-income families and basically asked the question: What has happened to them during the last 7 years?

Her findings are troubling. From 2000 to 2007, she writes, the American family lost ground. Measured in real dollars, incomes declined while basic expenses skyrocketed. By the time today's family makes a few basic purchases—housing, health insurance, food, gasoline, and phone—it has about \$5,700 less than it had been in 2000.

Now, this is a family that is making in the range of \$40,000 to \$45,000. So a decline in buying power of \$5,700 over the last 7 years causes real hardship. By every measure, incomes are down for the same hypothetical family for this same period of time; down for fully employed males, fully employed females, down for households.

Adjusted for inflation, median household income has declined across America by \$1,175. Prosperity has not arrived to the working class, the working families of America. In fact, the opposite has been true.

Of course, the biggest thing we face going home is the increasing cost of gasoline. The increase in the cost of gasoline has more than doubled since President Bush became President. In that same period, the profits of the oil companies have more than quadrupled. It is no coincidence. They are making more money as families, rich and especially poor, reach deeper into their pockets to pay for gasoline. Families have reduced driving. They have to spend an average of \$2,000 more a year for gasoline than they did back in the year 2000, when President Bush was elected. Our friends on the Republican side of the aisle like to talk about cutting people's taxes, sending out rebate checks. Of course, those are all well and good. But it turns out the expense which has been passed along to working families for the cost of gasoline

since President Bush became President is more than \$2,000 a year. There is a tax. It is a tax families have to pay if they have to drive to work or if they want to take their family on vacation.

Increases in mortgage costs took another big bite out of middle-income families, almost \$1,700 each year. Health insurance, food, telephone, appliances, another \$750 a year knocked out of the family budget. The increases mean the average family is spending \$4,564 more for basic expenses now than they did in 2000. How about families with kids? Childcare costs under this President have gone up by \$1,321 a year, more than \$100 a month; afterschool care, \$511 a year. All parents, regardless of the age of children, see the rising cost of college. Under this Presidency, the net cost of college, including scholarships and grants, has increased by more than \$1,000. Is it any surprise, when Members of the Senate and the House go home over the weekends and run into these families, they want to talk about the latest outrage, which happens to be the price of gasoline?

My understanding is ExxonMobil made its report of quarterly earnings public today. It was a little bit off for them. Their earnings only increased 17 percent, hardly keeping pace with the record-breaking percentage increases of the past. But trust me, there will be no tag days for those CEOs and members of the executive board and management of the biggest oil companies in America. They are doing quite well. The question is whether this Congress can do well by American families who pay the price for those profits. That is a challenge we will face.

President Bush is going to send us a supplemental appropriations bill. It is because of the emergency in Iraq. He is going to ask for \$108 billion for Iraq and Afghanistan. He is not going to ask for the emergency in America, and there is one. He will not be asking for increasing unemployment compensation for families out of work, watching unemployment rates rise by the day. He will not be asking for tax breaks for those struggling families I have described. He focuses on the Middle East.

I am from Illinois. I focus on the Middle West. I try to look at the whole Nation, but I start with my obligation at home. When I look out the window in the morning, I see America. When this administration looks out the window in the morning, it sees Iraq. So when it comes to emergency spending, drop everything, highest priorities, it is not about America. This administration focuses on the Middle East.

I think that is unfortunate. We need to understand a strong America begins at home. It begins with a strong economy, strong families, strong churches, strong temples, strong neighborhoods, strong cities, strong communities that build a great nation. They are suffering at this moment.

During the course of this week, there has been precious little done on the

floor of the Senate. Senator after Senator has come to talk about their concerns about energy costs. That is good. We should raise awareness of this particular issue. But we need to do more than give a speech, come up with a quick gimmick or a quick idea. We have to focus on changing some fundamentals, and it ought to start with the Tax Code and programs that help working families.

Mr. President, I have a friend in Illinois whose name is Harold Ramis. Harold Ramis and I share a birth date and a lot of friends. Harold Ramis has done quite well for himself. He is a writer, a producer of movies. Harold got started writing "Animal House," went on to write "Caddyshack" and a few others. But one of his most famous movies, which he released over 15 years ago, was a movie called "Groundhog Day." I bet every American has seen it. It is hard to believe it has been more than 15 years since it was released. In that movie another Chicagoan, Bill Murray, wakes up every morning in Punxsutawney, PA, and looks over at the clock radio as Sonny and Cher are singing "I Got You, Babe," and relives the same day over and over again, until finally it stops at the end. A fascinating movie, it has been analyzed by so many people. What is the message of the movie? I am not sure. I sure enjoy it and continue to watch it. I drive my wife crazy when she says: How many times have you seen that movie? But I like it a lot.

I am reminded of that movie when I think about what is going on in the Senate. It is almost like "Groundhog Day" around here because every day that you get up in the Senate and every week, it is the same music playing. It is the same script playing. The script that is playing is the strategy on the other side of the aisle, on the Republican side of the aisle. Their strategy is very simple. It involves the use of a filibuster.

A filibuster is a uniquely Senatorial institution that says, historically, any Senator can stand up at any time and stop anything—a nomination, a bill, anything. It gives us a lot of power. But unfortunately, that power can be misused. "Mr. Smith Goes to Washington," Jimmy Stewart on that famous set, the brandnew Senator who stood up and filibustered until he dropped right next to his desk, we all remember that image. It doesn't quite happen that way anymore. I have not seen anybody fall to the floor in the middle of a filibuster, but it does eat up a lot of time, and it slows things down.

In the history of the Senate, there is a record book. The record book says that in the history of this great body, in a 2-year period, the maximum number of filibusters is 57; 57 times in 2 years there was an effort to stop the debate, stop a nomination, and a filibuster was initiated.

For those who follow the history of the Senate, they are watching a his-

toric session. Because in the last year and 4 months, the Republicans in the Senate have broken the record. They have gone beyond 57 filibusters. At this point, they are now up to 68 Republican filibusters and still counting. On 68 different occasions, they have initiated a filibuster to stop us from taking up legislation.

You say to yourself: Maybe that had to be done. Not until you look at the legislation involved. Two weeks ago, we had something called a technical corrections bill. This is a bill that notices there were spelling errors and grammar errors in a highway bill that passed several years ago. They change it with technical corrections. It usually is a bill which passes with no debate, no comment, and not even a record vote. It just goes through when we have to clean up some problems we had in previous legislation.

In this new era of Republican filibusters, they decided to filibuster the technical corrections bill. If there was ever an embarrassing moment in the history of the Senate, it is the notion that we would filibuster a bill that corrects grammatical and spelling errors, but they did it. They held the Senate in session for a full week while we waited to complete the technical corrections bill. Then came the veterans' health benefits bill. Veterans' health benefits? Is this an issue anyone contests, that we would not provide all the benefits promised and all we can afford to the men and women who have served our country so valiantly and continue to? We brought this bill to the floor figuring this was an easy one, a bipartisan bill. It would pass. It was the subject of a Republican filibuster that held that bill on the floor for a full week.

Time and again, we came to the floor and said to the Republicans: Let us call up this bill. If you have an amendment, if there is something you want to change, then let's do it. No. Day after weary day this "Groundhog Day" script played out. We got up every morning. We didn't hear Sonny and Cher. We heard the Republican minority leader singing the same song every morning: We are going to try to get around to looking at this bill. Days passed.

If the Senate was paid for piecework as opposed to a general annual salary, we would be hurting at this point. We don't do much around here, and that is unfortunate. By the end of the week, after they had burned another week off the calendar, a week where we didn't consider the problems with our Nation's energy policy, where we didn't do a thing about gasoline prices but were stuck in a Republican filibuster, we had one vote on one amendment and passed the bill virtually unanimously when it was all over.

There was no controversy.

The object from the Republican side: Slow everything down. Stop it if you can.



So this week comes another bill. This bill is 288 pages. This is the reauthorization of the Federal Aviation Administration. Unfortunately, it is now subject to a Republican filibuster. A motion for cloture is about to be filed. This week in the Senate, for those who want to keep up with the ongoing and developing saga of our "Groundhog Day" script, Republicans are blocking safer, more efficient air travel. We have spent the entire week here and had one vote. I know it is not a secret. It is in the CONGRESSIONAL RECORD. But it is embarrassing. We tried time and again to get Senate Republicans to give us an amendment, call it up for a vote. Let's get moving on this bill. No, let's wait until next week.

Is there anything else we could have been considering in the Senate this week? We should have passed this in a hurry. First, it is a bipartisan bill. Is it necessary or important? For those of us who live on airplanes, you bet it is. Twenty-five million more passengers flew on U.S. commercial air carriers last year than the previous year. Almost 800 million passengers flew on U.S. commercial carriers in 2007, double the number of 1985. The FAA predicts the aviation system will transport more than 1 billion airline passengers annually by 2020. There is a problem though. As modern as the airplanes may be, as new as some of the airports may be, we are running our air traffic system on radar that was established during World War II. This technology is not equipped to handle the volume increase in air travel we anticipate. We are already seeing it in airports across the country. Passengers are feeling it in my home State in the great airport at O'Hare, where I spend a large portion of my waking hours.

U.S. News and World Report placed O'Hare recently at the top of the airport misery index. In defense of that great airport, we are in the process of modernizing it and things will get better. But it is fat. The magazine cited that almost 30 percent of flights in and out of O'Hare are delayed. One of the main reasons is the incapacity of our air traffic control system to deal with this increase in volume. We need to move to a more modern, satellite-based air traffic control system. This technology, known as NextGen, will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky to avoid any problems, to monitor traffic, to move things more smoothly and efficiently.

The second reason for the increase in delays comes from the lack of capacity in our airports. O'Hare Airport was designed in the 1950s and built in that era. It doesn't handle, as it should most efficiently, the aircraft of today. We have a big expansion under way. But the bill that has been held up all week in the Senate, a bill that was brought to us on a bipartisan basis by Senator JAY ROCKEFELLER of West Virginia, who has worked his heart out to pass this bill, and Senator KAY BAILEY

HUTCHISON of Texas, who helped in crafting this bill, will provide funding for programs to give airports the money they need to expand and handle the growth in air traffic.

Lastly, the FAA bill also provides important provisions giving passengers rights when they are stuck in airplanes on the tarmac. Has it ever happened to you—stuck out there for an hour, if you are lucky? It used to be a lot longer. There are some horror stories that have come out of this. I will not go into the details other than to tell you we try to provide in this bill basic protections for airline passengers. We never want an airline to hurry into a circumstance that might compromise safety, but we do believe they should inform their passengers about what is going on and be mindful of the need for basic human comforts that passengers need when they are stuck on the runway for hour after weary hour. That is in this bill. You will not get a chance, if you look at the CONGRESSIONAL RECORD of this week, to hear any debate about it. We did not get to it. We were stuck in a filibuster—stuck for I think it will be the 69th filibuster of this senatorial session.

I believed when I came here that this was the world's greatest deliberative body. Maybe it is self-promotion for us to continue to say that because we have precious few amendments, very little debate, and we really lack the kind of legislative activity that has, I guess, been the hallmark of the Senate for as long as it has existed. We have ground to a halt because we are facing the slowdown strategy from the other side of the aisle.

When you think about how many important issues we need to work on for this country, for the families of this country, important decisions we need to make, it is sad that the Senate rules allow this to continue.

Well, we will return next Tuesday, after a long weekend. After having one vote this week, we need a rest. I hope you understand. We will come back Tuesday in the hopes we can start up this bill again. Maybe in the second week this bipartisan bill just might draw an amendment from the other side of the aisle, just might draw some debate on the floor, and just might get passed, so we can move on to the next issue, which I believe will be energy policy. And I can just guarantee you, it is likely to face another filibuster from the Republican side of the aisle.

The GOP is the, I guess, nickname for the Republican Party. It stands for the "Grand Old Party." When you watch the progress, or at least the strategy of the Republicans in the Senate, you come to believe that GOP stands for "Graveyard Of Progress." That is what they see the Senate. That is unfortunate.

There is a lot of work we need to do. The American people sent us here to do it on a bipartisan basis. I hope we can get it done.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the custom is to alternate to each side. Senator DEMINT is here. After he has concluded his remarks, I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I thank the Senator.

Mr. President, I need to start by expressing my disappointment at the misleading and distorted information that was just presented on the floor. Actually, I was amazed at what was just said.

The Commerce Committee had come up with an aviation modernization bill with strong bipartisan support. But, like many other bills we have faced with our Democratic colleagues in the majority, some of my Democratic colleagues chose to add special provisions for some interest groups and very wasteful and questionable earmarks, tax earmarks, using unprecedented methods to fund things through changing our Tax Code, things that there is a lot of consternation about: changing a pension plan.

The reason this bill has been held up is the majority decided to add things to it that had nothing to do with aviation. We want this bill to come through, and it has strong support.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DEMINT. Mr. President, no, I will not. I have been down here several times today, and I will continue my remarks. But I will be glad to have the Senator say anything after I complete my remarks.

The Senator mentioned the technical corrections bill for transportation. He said this was just typos. This bill added hundreds of millions of dollars of new earmarks to our transportation budget. It was not a technical correction bill. It was an opportunity for the majority and some others to add things that did not need to be a part of this bill. The Senator even knows, on bills such as consumer product safety where special provisions were added for manufacturers in that bill, we had to slow the bill down in order to get those things taken out.

So there is a reason the majority has not been able to move any significant legislation. It is because they tend to clutter it up with wasteful special interest earmarks that need to be taken out. Hopefully, we can come to an agreement to take out these unnecessary and unprecedented tax provisions in our aviation modernization bill so we can get this thing done.

HEALTH CARE

Mr. President, I did not come down to talk about aviation modernization, as I hope the majority will clean this bill up so we can get it through. But I want to talk a little bit about health care.

Health care is a priority for the Nation. Americans deserve access to affordable health insurance. Yet we are wasting time here and not doing anything to help with the health care crisis in this country today.

Fortunately, one of our colleagues, JOHN MCCAIN, has come out this week strongly for a health care plan that would help every American to be insured. He talks about guaranteed access to health insurance—plans people can own and can afford and keep, plans they choose for themselves and that are not chosen by the Government. This is the direction we need to move.

Unfortunately, my Democratic colleagues—at least many of them—do not want everyone to be insured with personal health insurance policies. They would much rather the Government take over the whole health insurance industry and decide for us what type of health plans we are going to have. The evidence of this is abundant.

There are a number of efforts Republicans have made to try to improve access to private health insurance. One is to allow people in this country to buy health insurance from anywhere in the country. Right now, they are restricted to buying it in the State where they live. So a few insurance companies have a monopoly on the business. We have had a Health Care Choice Act that would give Americans a chance to shop anywhere in the country. Yet the Democrats have blocked this bill.

Only a couple weeks ago, we had an amendment to the budget bill that would allow individuals to deduct the cost of health insurance, just as businesses do. But I believe every Democrat in the Senate voted against that, to give some kind of fair tax treatment to individuals who are buying health care. They blocked it. Yet they complain about individuals being uninsured. They do everything they can to keep individuals from owning health insurance.

Now the Democrats are trying to destroy health savings accounts. It started in the House with a bill that will change the way health savings accounts are set up. The fastest growing way for the uninsured to get insurance is new types of health plans that have health savings accounts and insurance, where people can buy most of their health care with their own dollars or in dollars their employers put in this health savings account that is tax free. It gives them a lot more choices and flexibility, and it takes out, importantly, the cost of third-party administration.

Health savings accounts are a way to restructure health insurance plans so that every time you go to the doctor or the hospital, there is not a third-party insurance company filing claims or dealing with billing and running up the cost of administration. We know today there are more administrative people in a doctor's office or a hospital than there are health care providers. The reason for that is, every time we use

the health care system, there is a third party involved, whether it is private health insurance or Medicaid or Medicare, and there are a lot of administrative costs.

Health savings accounts not only give people more flexibility, but they begin to take the cost of administration out of health care. It allows an individual to make their own decisions with their doctors or with their pharmacists as to their health care, and they do not need approval from some health insurance company or from some Government bureaucrat whether they are going to spend this money. Certainly, the way health savings account dollars are spent is restricted to real health care, and that is the way it is working.

But, unfortunately, a company that provides this service of substantiating the way health care dollars are spent has come to Washington and convinced Democrats that we need a third party to determine whether a health savings account spending event can be substantiated. This is definitely a special interest provision that the Democrats have bought into. But what it does is it adds the administrative costs back to health savings accounts and takes away the flexibility we are giving to individuals.

Keep in mind, people who are uninsured and people who did not have insurance before and a number of people who are switching from traditional plans—and we have gone from 1 million people covered by health savings account-type plans to over 6 million in the last few years. It is the fastest growing type of health care plan because that is the kind of plan people want.

Let me just read some statistics. The reason for all this is the Democrats have inserted, on the House side, in the bill they call the Taxpayer Assistance and Simplification Act, provisions that would put an administrative burden on health savings accounts. They are trying to kill health savings accounts so we will all end up with Government health care.

I already mentioned that we have gone from 1 million people covered by health savings account plans in 2005 to over 6 million today. Thirty-one percent of the people who have these health savings account plans plus insurance were previously uninsured. Eighty-four percent of health savings account policies in the group and individual market provide first-dollar coverage for preventative care. So this claim that health savings accounts keep people from seeking preventative care is totally bogus because the plans are designed that when someone seeks preventative care, diagnostic care, the insurance pays for it and it does not come out of the health savings account.

Health savings accounts give people better access to the type of health care they want. We found that it even helps with chronic-disease management. If

people have access to \$1,000 or \$2,000 more per year to use the way they need to for their own health, then they can manage their diabetes or congestive heart failure or other types of illnesses that are often restricted by traditional health insurance.

I want to encourage my colleagues—my colleagues who really believe Americans should have the freedom to own their own health insurance and not have to go to the Government for their health care—to help us preserve and promote and expand health savings accounts for those who want them.

I want to make it clear, health savings accounts are health insurance. They are just health insurance plans that have savings and insurance with them, so that most of health care can be accessed with dollars of patients doing direct business with their physician, with their pharmacist, with the hospital. It will save millions—even billions—as a nation in administrative costs. Already, Americans have well over \$3 billion saved in health savings accounts for future health care needs.

This is an idea we need to expand across the country, not to destroy. I would ask particularly my Democratic colleagues on the Senate side not to take up this provision that the House included that will hurt and probably destroy the whole idea of health savings accounts.

Mr. President, I thank the Senator for allowing me to speak, and I yield back the time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are here today in the midst of another filibuster in which the FAA reauthorization bill is before us, but we have to wait for a cloture vote and we have to wait many, many days past, I think, what was appropriate. But it does give us an opportunity to talk about the issue that is of most concern to Americans at this moment; that is, the economy.

We have an economy that is heading, unfortunately, toward recession. Some economists have already declared it here. Over the last few months, I have spoken about the situation and particularly, I say to the Presiding Officer, in our home State of Rhode Island where, as we go about, we are stopped constantly by our constituents, our neighbors, our friends who, quite rightly, complain about the current economic situation.

The Senator from Illinois was very accurate and very insightful when he noted that the incomes of most Americans have not risen over the last decade or more and that these individuals—and we are not talking about low-income Americans, entry-level workers; we are talking about going way up close to \$100,000 or more—they have seen no real income growth. But what they have seen is accelerating prices.

Now, for several years, they thought they would be buttressed against these

accelerating prices and slow income growth by the value of their homes. But, as we know now, we are seeing a huge recession in the real estate market. The values of homes are beginning to fall. They certainly are not rising as they were. The foreclosure situation is deepening everywhere. Again, in Rhode Island, there were traditionally a few notices each week in the paper. Now it seems there is a whole section devoted to foreclosures in the *Providence Journal*. It is evidence of the worsening of the economic situation.

Now, the pressure of flat wages, flat incomes, housing values falling—these accelerating prices are becoming very difficult to endure by Americans everywhere.

According to a review, a recent survey by the Pew Research Center, fewer Americans now than at any time in the past half century believe they are moving forward in life.

One of the great aspects of my youth in the 1950s, 1960s, and 1970s is not only did families deal with moving forward, they also were of an unshakeable belief that their children would have a much better life than they enjoyed. That belief is being shaken today, seriously. Many parents—again, we are not talking about low-income workers; we are talking about a range of Americans—believe that unless we take positive and effective action, we are going to be in a situation where the next generation of Americans will have it even more difficult than we do today. That is why it is very difficult to bear these filibusters because ultimately, this is not about parliamentary maneuvering. It is about whether we can provide the leadership and the policies to reverse course in America today and provide for that better future for our sons and daughters tomorrow.

Seventy-nine percent of Americans today believe it is more difficult to maintain their middle-class standard of living. In fact, one of the great hallmarks of this country in the last century was the creation and the expansion of the middle class. Again, there are many people who are sensing that the middle class is not expanding any longer, but that it is shrinking. It is shrinking on the load of increasing prices, flat incomes, and decelerating housing values. That is not just the sum of statistics and analysis and reports; that is what people are talking about everywhere in this country.

In Rhode Island, for example, with respect to prices, the average price of gasoline is soaring to record levels. Regular unleaded is currently at more than \$3.60 per gallon. Diesel is getting close to \$4.50 per gallon. For our trucking industry, for all of the businesses that depend on moving their goods around, for the service people who have to get to their service calls, when prices go up—gasoline and diesel—that is an additional business cost. It is an additional tax on them because of, I think, the failed policies of this administration, and it is a tax that is taking

a big bite out of their well-being and the welfare of their families.

One thing we can do, and I think we should do—we could do it immediately—is we can refrain, at least temporarily, from filling the Strategic Petroleum Reserve. That seems to be a very simpleminded approach to lessening, at least in a small way, demand for oil at a time that oil is surging to around \$119 per barrel. I think it also will send a signal that we are at least doing something to relieve the pressure on working families, and that can be done with the signature by the President and ordered by the President, and it should be.

At the same time families across this country and businesses across this country are seeing extraordinary price increases, oil companies are seeing extraordinary profits. I think we have to take action, and that action, once again, stalled on the Senate floor several months ago to eliminate some of the tax breaks that oil companies are receiving. I thought that at \$119 a barrel, there would be sufficient incentives to go drill, but apparently the oil companies need tax incentives as well. I thought the market would be working in this case, but apparently it works in strange ways for these oil companies.

I think we also have to think about a windfall profits tax. We have huge expenditures. The President, as the Senator from Illinois pointed out, is sending up a supplemental appropriations bill for Iraq for billions of dollars. All of that is expended, and yet we can't tax some of the extraordinary profits of companies that are doing very well and don't seem to be reinvesting it robustly in drilling or searching for alternative sources.

I think we also have to protect consumers from price gouging at the pump, and something else—and that is speculation in the world oil markets. There are experts who suggest that more than 25 percent of the cost of crude oil may be the result not of supply and demand but of market speculation. We need to give the principal regulator for the energy-commodities markets, the Commodities Futures Trading Commission, the tools they need to review these transactions and to ferret out unscrupulous conduct in speculation.

That is why I support the Close the Enron Loophole Act that has been introduced by Senator LEVIN. It has been included in the Senate-passed farm bill, and I continue to advocate that provision should be adopted very quickly because without it, I don't think we can effectively provide regulation to a market that is exacting, in some estimates, a 25-percent premium, not because of supply and demand but because there are financial forces at work speculating in these commodities, and that speculation will go on until we authorize the appropriate regulatory authority to begin to supervise, regulate, and review those transactions.

The price of food is also, in many cases, spinning out of control for so many working Americans. Since March 2007, the price of eggs has jumped 35 percent, a gallon of milk is up 23 percent, a loaf of white bread has gone up 16 percent, and a pound of ground chuck is up 8 percent. Overall, food prices in 2008 are expected to rise 4 to 5 percent, about double the increase of recent years.

Again, this is not just an economic statistic. Talk to the bakers—and the Presiding Officer knows these families, such as the Calise family and other families in Rhode Island who have been baking Italian bread for 70 or 100 years—they have never seen the increase in wheat prices they have seen over the last several months. It is affecting their ability to make ends meet for their businesses. When you have accelerating energy prices, oil prices, gasoline prices, accelerating commodity prices such as wheat, a business such as that, a family-owned bakery, it is very difficult. It is extremely difficult for those families who are struggling to get by to get, frankly, to the supermarket, fill up their basket, and not walk out very much impoverished by the experience.

That is why I have requested the Senate Agriculture Committee to hold a hearing on the food versus fuel balance in U.S. agriculture policy. We have been encouraging ethanol production. That would bar us using some of our commodities, our agricultural commodities, but I believe we have to begin to focus on the tradeoff between energy production and food production.

I have also sent a letter to the Agriculture Secretary expressing concern with the cost of wheat, as I indicated, based upon comments I received from our bakers in Rhode Island, and requested that the Secretary work with the Environmental Protection Agency and the Department of Energy to look at the need to develop a mechanism to balance this tradeoff between food production and fuel production, and requesting information about how the Department of Agriculture is managing the wheat stockpile—which is something that will influence the price of wheat—as well as requesting information on how it is monitoring new speculative investment in commodities and its impact on prices. All of this has to be done.

What is becoming also more difficult to bear on top of everything we have talked about—flat income, rising prices, declining home values—is the fact that now we are seeing unemployment begin to accelerate. In Rhode Island, we are unfortunately experiencing a 6.1-percent unemployment rate—higher than the rest of New England. It is causing real problems, and it is something we have to address. I think we have to begin to recognize that as we lose jobs, we have to think seriously about employing people again.

As I mentioned, Rhode Island has a 6.1 percent unemployment rate right

now. It is close to the highest unemployment rate in the United States, only behind Michigan, Alaska, and California. It is the highest unemployment rate in Rhode Island since August of 1995, more than 12 years ago. There are 35,100 people in Rhode Island who are unemployed, and this is a trend that has been going up, unfortunately, not down.

We have also seen a shift in employment recently from February to March of 2008. In just a single month, 3,100 less people were without jobs in Rhode Island, a decrease in 3,100 jobs. For a State with a population of just 1 million, that is a significant factor. It adds not only to the decline in the unemployment, but the velocity of that decline. Things seem to be trending much quicker downward than rebounding.

Now, it is no wonder that the Labor Department announced today that the number of first-time claims for unemployment benefits rose to 380,000 nationwide. That is the highest level in 4 years. Today's announcement concluded that Rhode Island had one of the largest increases in initial claims numbering 1,779. The direction is unfortunate, and it is the wrong direction. Approximately half of those unemployed workers were eligible to collect unemployment insurance benefits, and of this number, nearly 19 percent face long-term unemployment.

The number of Rhode Islanders in 2008 who continue to collect unemployment benefits has also increased—14.1 percent above the number of the same period last year. As a result of this situation of deteriorating employment and longer term unemployment, a significant number of Rhode Islanders are exhausting their benefits. They are receiving their final payment. That has occurred for more than 1,900 people, and that percentage is increasing also.

All of these numbers suggest something very obvious: more and more people need unemployment insurance. More and more people are on unemployment longer. The economy is not responding to their needs. This economy is not generating jobs, it is shredding jobs. That ultimately leads to the fact that the benefits run out if we do not extend unemployment insurance benefits.

Now, I think that is something we have to do. I think we have an obligation in this economy—which is getting worse, not better—to go ahead and provide extended unemployment benefits. By the way, these benefits are one of the best stimulus programs we have because the proportion of the money that is expended that gets reinvested quickly—respent in the economy—is significantly higher than other programs.

I was pleased the Senate passed and the President signed into law the Economic Stimulus Act in February. I voted for this package. It will provide tax rebate checks. They are on their way out to many families across the country. But given the historically

high unemployment in Rhode Island and in other parts of the country, I believe we need to do much more. This is a national problem. It needs attention. That is why I believe we have to extend unemployment benefits. In those States that are hit hard by this economic crisis, individuals should be eligible for benefits for an additional 13 weeks and another 13 weeks of emergency benefits in States where the unemployment rate is exceptionally high.

I pressed, as so many did, for inclusion of these extended unemployment insurance benefits last February, and I commend my colleagues who have fought also for this benefit, including Senators KENNEDY and DURBIN and STABENOW.

As I indicated, many economists have also pointed to the extent of unemployment benefits as not only something that helps the individual, but it provides further stimulus for our economy. An extension of these benefits provides a very high rate of return on the money expended, generating approximately \$1.64 in gross domestic product per dollar invested in this program. This is especially helpful when we are looking for ways to get the economy moving again.

We get news each day of declining economic statistics. The last notice of our gross domestic product for the last quarter was a very unimpressive .6 percent. We need urgent action to move the economy. We need urgent action to help families who are struggling. They have worked. They have worked hard, and they are running out of their benefits. We can't run out on them.

That is why we need an economic stimulus package that will not only recognize obligations overseas, but we will recognize obligations at home. I hope we will enact a very robust extension of unemployment benefits for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ETHANOL

Mr. BROWNBACK. Mr. President, I appreciate hearing my colleague from Rhode Island. I am standing here thinking: Thank goodness we have ethanol. Without ethanol—we are supplying 8 percent of our fuel needs—it would drive up gasoline prices another 15 percent. I am certainly pleased we have that.

We had a hearing in the Joint Economic Committee today on the price of corn and its impact on food prices. It is interesting from the standpoint that economists are putting it in front of us that a 40-percent increase in corn prices would only lead to a 1.3-percent increase in the price of food, and that is because corn goes into a whole bunch of different substances. Thankfully, with the corn-based ethanol we have, we are holding gasoline prices down approximately 15 percent.

A Merrill Lynch analyst estimated oil and gasoline prices would be 15 percent higher, or \$4.14 a gallon at today's

prices, if biofuel producers weren't increasing their output. That is significant in this marketplace. Thankfully, we have that.

I also note that on wheat prices something is significant in Kansas. We have had a fall of \$4 a bushel in the price of wheat since January, from \$12 a bushel to \$8 a bushel. Plus, in a loaf of bread, you probably have 10 cents' worth of wheat. I hope they would say the farm is not the problem in the system.

Our oil prices are high and we need to hold them down. Part of the answer to that is domestic production—more oil and gas production in the United States but also biofuels. That is not the reason I came to the floor to speak. It was a good use of time to be able to put that in the RECORD, though, because we are going to debate, apparently, the role of biofuels in the economy and around the world. I wanted to note it has a positive impact.

Mr. President, I will speak on the FAA reauthorization bill. I thank the chairman and ranking member of the relevant committees for bringing to the floor a balanced FAA reauthorization bill. It takes into account the needs of the air traffic control system and pays for them and distributes that in a fair manner.

I am not pleased we are not able to move the bill forward. I wish it wasn't loaded up with extraneous provisions but, rather, that it would stay with the FAA.

I am particularly happy to see the bill contains no user fees for the general aviation industry. It would have placed an inordinate burden on what has been and continues to be a thriving American industry, a true domestic manufacturing success story. I might note to people here and those watching, we are recruiting for jobs. We need people in this industry. We have a number of manufacturing jobs in my State. I have traveled around and they are saying we need more people coming in to work. Some in Hays, KS, were telling me they need a thousand people for jobs they have.

The aircraft industry is recruiting individuals and, hopefully, we can keep that moving forward with a good FAA reauthorization bill. I think it helps the industry further if you don't put a tax on the industry; it will hurt it. This is a domestic industry, and we need to take care of it.

Importantly, however, this bill provides for the needed upgrade of our Nation's air traffic control system, which has been outdated for many years and the technology is outpaced by many countries around the world. That should not be the case.

Aviation and manufacturing are very important to my State. We have five major aviation companies located there, including Cessna, Hawker Beechcraft, Bombardier Learjet, Spirit AeroSystems, and Boeing Integrated Defense Systems.

The aviation industry has a huge ripple effect. Every manufacturing job

created adds 2.9 other jobs. It is a vibrant industry that, for the first time this past year, exported more of its product than it sold domestically. This is the first time we have been able to do that.

However, I wish to note some disturbing trends on things I think we need to attack so we don't lose this domestic industry. This is one that a lot of people in the world are trying to get a big piece of. Honda is coming into the aviation manufacturing sector, and others are coming into it. It has high-paying manufacturing jobs of a key product used around the world.

In 1985, the United States produced 80 percent of the world's new aircraft. This past year, that number was down to 60 percent—from 80 to 60 percent. There is increasing competition, and I hope we can address this trend as we move forward. To that end, I intend to offer an amendment to the bill that would create a blue-ribbon commission of experts in aviation manufacturing to study the current trends in the industry and recommend ways in which we, as a Government, can respond to those trends and ensure the vibrancy of this important commercial sector.

Parenthetically, one of the things we should not be doing is exporting our aviation defense jobs—such as sending the major tanker contract to Europe and to Airbus, rather than having it done in the United States. This is a major battle that will engulf this Congress—whether that \$40 billion contract, that the base plane should be an Airbus plane, made primarily in Europe, or if the base plane should be a plane primarily made in the United States. It is a key part of the long-term trends of this industry, and we are already losing a lot of that, even as the industry continues to do well and is exporting well. We are not maintaining the market share we have had internationally because the Europeans, through government subsidies, are buying into this, and other countries are following as well.

I think as we look for what can help support our overall exports in our economy, aircraft sales can continue to be that. Presently, they provide a \$56 billion trade surplus for our country. We sold \$76 billion in airplanes and parts to foreign buyers. I think we need to watch and I think we need to be very aggressive to protect and see that this industry grows. One of the needed things is the FAA reauthorization program. We need a modern air traffic control system, and we need to have a fee structure that doesn't penalize general aviation.

There is one final note. One of my colleagues from Missouri is talking about bringing up an amendment that I think would have some positive impact on a repair and maintenance program but would have in it some features—if it continues in the way I have seen it—that could harm our aviation industry domestically. If that amendment comes up, we are going to look

very critically at it, with the possibility of putting forward second-degree amendments to make sure we don't unintentionally harm the domestic U.S. aviation industry.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MILITARY HOUSING

Mr. NELSON of Florida. Mr. President, there is a colossal waste of taxpayers' money that is occurring at Patrick Air Force Base in the State of Florida near my home of Melbourne, FL. Happily, the Senate Armed Services Committee has addressed the issue to try to expose the spotlight on the problem to get the U.S. Air Force to come clean as to what has happened in this huge fiasco of waste of taxpayers' money.

It is born out of the privatization of housing for military families. Throughout the country, there has been some success at other military bases, but on a particular contractor, a contractor who got the contract to build housing for the Air Force on four Air Force bases, including Patrick Air Force Base and three others in other places such as Georgia and Arkansas, the contractor went belly up and now, in order to try to keep some semblance of housing being built, what is happening is the Air Force now wants to use all of the land that is supposed to be for housing at Patrick Air Force Base as the equity to build the houses on the other bases in three other States.

You will be surprised when I tell you how bad this is. There were 300 acres on the barrier island south of Patrick Air Force Base. This is in the town of Satellite Beach in Florida. It is near Cape Canaveral and the Cape Canaveral Air Force station. The 300 acres were basically given by the Air Force to a joint venture, a corporation, that included this developer that ultimately went bust. The deal was so bad that the Air Force agrees, of the 300 acres, they are going to outright give 100 acres to the developer. The developer goes off and sells it for something like \$13 million or \$15 million and pockets the cash. On the remaining 200 acres the developer is supposed to build 550 new homes for airmen and their families and commensurately tear down the old dilapidated housing that had been there for several decades.

The developer only builds 163 houses and then stops, and all these other old dwellings are there, of which the developer has the authority to rent on the market, and since they are run down, almost slum-like conditions, you can imagine the kind of tenants you are now getting living next to Air Force families.

The Air Force's idea of rescuing this is to say we are going to take that remaining 200 acres, we are going to give it to a new developer, and that equity is going to help that developer build additional houses, but not at Patrick, no, in these three other States.

So Patrick Air Force Base and our Air Force families who thought they were going to get 550 new homes now only have 163 homes sitting next to slum dwellings, and the Air Force is going to give away the rest of this 200 acres?

Well, something smells awfully fishy. Fortunately, this has come to this Senator's attention. I am happy to say I had to strain and grunt a little bit to get my point of view across to the Senate Armed Services Committee yesterday in a markup, but when the test came on a recorded vote, it was 22 to 0 in favor of the amendment that would require the Air Force to do a cost-benefit study before they can transfer the property. That is the policy set forth in the Defense authorization bill.

I want to say a word to the U.S. Air Force: No, technically, you don't have to pay attention because legally you can go on and transfer that property now because our Defense authorization bill is not law. It has only been passed out of the Senate Armed Services Committee. But it is going to be law once it gets through the House and the Senate and goes to the President for signature.

I strongly suggest to the U.S. Air Force, and I am memorializing these comments in a letter to the Secretary of the Air Force, Secretary Wynne: Withhold, forbear on any transfer of the title to a new developer utilizing that very valuable asset of barrier island, oceanfront land until you do the cost-benefit analysis so we can bring this out into the full light of day and we will know how we can best protect the taxpayers' investment.

We want to serve the U.S. airmen and their families, we want to serve the U.S. taxpayers and their families, and the best way to do that is get this story out in the open with this cost-benefit analysis.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The distinguished Senator from Vermont is recognized.

#### ENERGY

Mr. SANDERS. Mr. President, in the last several weeks in a number of venues, I have met with hundreds, in fact thousands, of Vermonters, and to nobody's great surprise, the issue that is uppermost on their minds is the very high price of gas and the price of oil. I know that is true in all 50 States in this country and in thousands of communities. It is especially true in rural States because in rural States, especially cold-weather States, it is not uncommon for people to travel 50 miles to their jobs and then 50 miles back. If you drive 100 miles to work, the mileage runs up.

I should mention, I know it probably didn't snow in Florida, but it did snow

in Vermont. We had a small amount of snow. That simply indicates that people know when it gets cold in Vermont it gets very cold. We have a lot of elderly people right now wondering how they are going to heat their homes next winter. We have a combination of working people in a rural State—this is true all over rural America—paying outrageously high prices in order to get to work and, in colder weather States, people very worried about whether they can stay warm next winter.

The arithmetic is not really hard to figure out. If you put 25,000 miles on your car going to work every year and you are paying a buck more than you used to and you get 25 miles per gallon on your car, that is a thousand dollars. If you make \$30,000 a year and you get a 3-percent raise, that is 900 bucks. So all of your raise, all of your cost-of-living increase on your job is now in your gas tank. That is happening to millions of American workers. Then these same workers are paying more for health care, are paying more for food, more for education, which, added together, is why the middle class in America is collapsing.

For many years, as good-paying jobs have gone to China, as our people are struggling to make ends meet, people have been worried about how they are going to survive economically. On top of that, we now have the foreclosure crisis and we have the escalating cost of gas and oil in this country, which then leads some 80 percent of the people in this country to believe this country is going in the wrong direction, and one wonders, really, what the other 20 percent are thinking. Clearly, for the middle class in this country, we are facing a very serious problem.

I did an interesting thing a few weeks ago in Vermont. We were having some town meetings on the economy. We brought a professor from Harvard Law School, one of the best writers in America on the economy. Her name is Elizabeth Warren.

In preparation for that meeting, we sent out an e-mail to people in my State and said: Tell me what is going on in terms of the collapse of the middle class and how that impacts your life. Frankly, we expected a few dozen people to reply. As of today, we have received over 700 responses. This is doubly surprising because in Vermont people are quite reticent, not wanting to talk about personal aspects of their lives—700 people. I recommend you and Members of the Senate read some of these responses. They are up on our Web site. The tales people are telling are heartbreaking, they are poignant, they come from the heart, and there are hundreds of them.

Let me just read a few segments of some of the letters we have received and how they touch on gas prices and the general collapse of the middle class in our country.

We are hard-working people. We want to pay our bills. We want to keep what we

worked so hard for. The constantly increasing cost of gas, oil, groceries are drowning us. I hear the same thing from most of our friends on a daily basis—hanging on by a thread, robbing Peter to pay Paul. It is such a stressful way to live. There are days when I get so discouraged I just want to call the banks and say just take it all. I don't have it in me to fight for it anymore.

This is a family in the State of Vermont.

Here is another one. This comes from an elderly couple in Vermont:

My wife and I are both 77, retired and living on a very limited income. We live in the country, and driving the 60-plus miles round trip for shopping and health care has become a financial hardship.

Traveling 60 miles for shopping and health care has become a financial hardship.

Even though we drive a car that gets 35 miles to the gallon, a tankful of gas eats up an awfully large amount of our disposable income.

That is true all over America. You have older people who get in their car, they go out to buy groceries, they go to the doctor, and suddenly they are finding that just getting into their car and going where they have gone their whole lives is now a very expensive proposition, in this case eating up a large part of their disposable income.

Another family writes:

I live in the Northeast Kingdom, which is a very rural area in the northern part of Vermont near the Canadian border, and I have to drive a 30-mile round trip to work in Morrisville and even farther to Stowe, where most of the jobs are now. With the gas prices high and most employers paying \$8.50 to maybe \$10 per hour, you spend much of your paycheck traveling to and from work.

In other words, in the real world, there are millions of people in rural Vermont and all over this country and in Florida who are making \$8.50, \$9, \$10 an hour, and if you are paying \$3.50 a gallon to get to work and you have to travel any kind of distance, what do you have left? Not a lot.

The average price for a gallon of gas recently hit a recordbreaking \$3.62 a gallon, which is more than double what it was when President Bush first took office. The price of diesel fuel is now averaging over \$4.17 a gallon, which is more than \$1.36 higher than it was just a year ago. The price of oil is now \$110 a barrel. I think these prices say it all. They tell every Member or should tell every Member of Congress what the American people understand, which is that we have a national emergency on our hands. If we do not act boldly and rapidly to lower gas and oil prices, the economic situation for millions of working families will only deteriorate even further.

What we are talking about is not just the worker who can't afford to fill up his gas tank, it is the entire economy. It is small businesses, it is farmers, it is truckers. The trucking industry is convoluting right now with these high prices. It is the increased cost of groceries, it is tourism. People come to Vermont and people go to Florida to enjoy vacations. They are not going to be able to drive there with these prices.

In fact, what we are looking at is a major economic crisis impacting every segment of our economy.

Sadly, as in so many other areas regarding the needs of ordinary Americans, when it comes to gas prices the Bush-Cheney administration is just not there. This is an administration where, in area after area, you can count on them to stand up with the large multinational corporations. You can count on them protecting the wealthiest people in the country. Now, when the middle class is in crisis, when people cannot afford the rapidly rising costs of gas and oil, they are nowhere to be found.

What is particularly interesting, of course, as most people know, is both President Bush and Vice President CHENEY have backgrounds in the oil industry. That is what they did before they assumed the Presidency and Vice Presidency.

Ironically—and this would really be almost funny if it weren't so sad—when President Bush ran for office in the year 2000, he touted his experience in oil as one of the reasons he should be elected President. He knew the oil industry. He would make the energy situation better based on his experience.

Here is a direct quote from what candidate Bush said in the year 2000, in his first campaign, regarding how he would improve our relations with some of the OPEC countries. This is what he said:

I will use the capital that my administration will earn with the Kuwaitis or the Saudis and convince them to open the spigot.

That is what candidate George Bush said in the year 2000.

Then he said, also in that campaign:

The President of the United States must jawbone OPEC Members to lower the price.

End of quote from candidate George Bush in the year 2000. That was 8 years ago. When then-candidate Bush made those comments, the price of oil was \$30 a barrel. Today, after 7½ years of the Bush-Cheney administration, the price of oil is now \$110 a barrel.

It seems to me that it is imperative that among many other things, many other actions Congress must take, one of them is to do what President Bush talked about in 2000 but never did, and that is we must demand that Saudi Arabia and Kuwait produce the kind of oil they can. We must also move forward as a Congress to address the reality that OPEC is a cartel. That is their reason for existence. A cartel is formed in collusion in order, in this case, to prevent production of oil, control the production of oil in order to artificially keep prices high.

This Congress must demand two things: that Saudi Arabia and Kuwait and other OPEC members increase their production so we can lower prices, and second, we must be aggressive in telling the World Trade Organization that OPEC is a cartel; it must be disbanded.

Back to President Bush.

In 2004, when Saudi Arabia led the fight within OPEC to cut production



and raise prices, the Miami Herald reported that President Bush “refused to lean on the oil cartel” and “refused to even personally lobby OPEC leaders to change their minds.”

It is true that last January President Bush did visit Saudi Arabia to ask OPEC nations to increase production, but guess what. The Associated Press reported that President Bush’s request was “ignored.”

In 2000, as a candidate, he told us he was going to open the spigot, he was going to get them to produce more oil, but that, of course, has not happened.

Last March, after meeting with Saudi Arabia’s oil minister, the Wall Street Journal reported that “Vice President DICK CHENEY suggested there is little more Saudi Arabia can do to increase oil production and relieve price pressures in global markets.” But Stephen Brown, the energy economist at the Federal Reserve, has disputed this. He has said that “Saudi Arabia is restraining its production, probably by about 1.8 million barrels a day. And OPEC is probably holding back 2.3 million barrels a day altogether.” In other words, despite all of the rhetoric from President Bush, all of his experience in the oil industry, the reality is that Saudi Arabia is not producing the kind of oil it should be producing and we are hurting as a result of that.

Many of us are tired of waiting for the Bush administration to act. Congress must act. There are a number of things we must do in order to lower the price of gas and oil in this country. One of them is to demand that Saudi Arabia, Kuwait, and the other OPEC countries start producing the quantity of oil we know they can produce.

That is one thing we can do, but it is certainly not enough. The national oil emergency we currently face in our country and in many other countries demands both short-term and long-term solutions.

Long term, I think many people in the Senate and the vast majority of the American people understand that we must break our dependency on fossil fuel. We must move to energy efficiency. We must move to such sustainable energies as wind, solar, geothermal, biomass, and others. In my view, the potential is absolutely staggering in terms of the amount of energy we can produce through sustainable energy and the amount of energy we can save through energy efficiency.

Not only that, obviously we need to significantly improve public transportation. Our railroads today lag far behind Europe and Japan. In doing that, building a broad mass-transportation system, we can break our dependency on the automobile.

In terms of automobiles, people are just now beginning—and we must help them—to move to electric cars, move to hybrid plug-in cars. There is just enormous potential out there. Clearly, that is the long-term solution of where we have to go.

But I sometimes hear my friends coming here and they talk about a

long-term solution and yet they forget about what is going on in America today for a family making \$30,000 or \$40,000 a year, and maybe they have two cars because they have two workers, and those people are going broke today.

So I do not think it is an either/or. I think we have got to be aggressive right now in moving toward energy efficiency and sustainable energy, but we have also got to be aggressive today in lowering the price of gas and oil. It is not an either/or. We move forward in parallel tracks.

One of the steps we have to take is to put pressure on OPEC nations to increase the production of oil. I think also we have got to break up OPEC, and let the free market work in that area. But that is only one of the things we have got to do.

Second, I believe it is absolutely imperative that we impose a windfall profits tax on the oil and gas industry. The American people do not understand, nor do I understand, why they are paying record-breaking prices at the gas pump, while ExxonMobil has made more in profits than any corporation in the history of the world for the past 2 consecutive years.

I know ExxonMobil and their propaganda machine will no doubt explain it. But the average person does not believe it and the average person should not believe it. ExxonMobil and the other major oil companies are ripping off the American people. That is clear. We need a windfall profits tax to address that.

Last year alone, ExxonMobil made \$40 billion in profits, and rewarded its CEO Rex Tillerson with a \$21 million compensation package. That is nothing. He is getting shortchanged, because the guy who went before him, when he retired—his name was Lee Raymond—got a \$400 million retirement package. So my suggestion to Mr. Tillerson is: Go back to your board. You are getting ripped off 21 million bucks. How are you going to make it on that?

Here you have a company charging record-breaking prices, having given its former CEO a few years ago \$400 million in a retirement package. But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over \$600 billion in profits since George W. Bush has been President. Not bad, \$600 billion in profits in 7.5 years. And people in Vermont and Florida cannot afford to fill their gas tanks.

Last year alone, the major oil companies in the United States made over \$155 billion in profits and, not surprisingly, those profits continue to soar. Today, ExxonMobil reported a 17-percent increase in profits, totaling \$10.9 billion, \$10.9 billion for one quarter.

Earlier this week, however, BP, British Petroleum, announced a 63-percent increase in their profits. Shell’s first

quarter profits jumped by 25 percent to over \$9 billion; one quarter, 3 months. ConocoPhillips’ profits increased by over 16 percent in the first quarter to over \$4 billion.

It is hard to come up with the words to describe it, because I know, and I am sure you know, Mr. President, the problems middle-class people are facing today and what these high oil and gas prices are meaning to families, and at the same time this is going on, these major oil companies are enjoying obscene levels of profit. With their profits, among many other things, they are very lavish in the kind of benefits and salaries they provide their CEOs. Last year, Occidental Petroleum, one of the “smaller” companies, gave its CEO \$34.2 million in total compensation. The CEO of Anadarko Petroleum received \$26 million. Chevron’s CEO made \$15 million, as did ConocoPhillips’ CEO. He made \$15.1 million in compensation.

Let me be clear. I believe oil companies should be allowed to make a reasonable profit and CEOs of big oil companies should enjoy decent compensation. That is a tough job and they should earn a good salary. But they should not be allowed to rip off the American people at the gas pump, especially at this moment in our history when the middle class is stressed out and in many ways collapsing.

The time has come to impose a windfall oil tax on those companies so they cannot continue to gouge the ordinary people of our country. Unfortunately, however, imposing a windfall profits tax on big oil will not be easy. I think we all know the reason, and that is, since 1998 the oil and gas industry has spent over \$616 million on lobbyists.

And dare I say that right now on the floors of the Senate, and on the floors of the House, you have very well paid lobbyists, former congressional leaders, big-time law firms, floating all over this place right now trying to convince Members of the House and the Senate to leave big oil alone. Not only have they spent, since 1998, \$616 million on lobbying; since 1990 they have spent over \$213 million in campaign contributions. That is the way the world goes—lobby, campaign contributions from powerful multinational corporations.

What is the end result? Their profits are soaring and ordinary Americans are hurting. The time has come, it seems to me, for the Senate to stand with working families all over this country, to have the courage to stand up to this very powerful industry and say “yes” to a windfall profits tax and “no” to the continued urges of the oil and gas industry to pat them on the back and do nothing.

While it is true that oil companies and their executives are making money hand over fist, it is also true they are not the only culprits in this situation. We must begin focusing on the very powerful speculators and hedge fund managers who have also been making obscene sums of money by speculating

on futures and driving an unregulated market up and up and up.

There are some people who estimate, in fact, that half of the increase in oil costs is attributable to the cost of production but to the speculation that takes place.

In my view, Congress must act to rein in greedy speculators by closing what has been referred to as the Enron loophole and increasing oversight over the energy futures industry.

The Enron loophole was created in 2000 as part of the Commodity Futures Modernization Act. At the behest of Enron lobbyists, a provision in this bill was inserted in the dark of night and with no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight, the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation. Since the Enron loophole has been in effect, crude oil prices jumped from \$33 a barrel in 2000, after adjusting for inflation, to over \$110 a barrel today.

Last January, a veteran oil analyst at Oppenheimer estimated there is as much as a \$57 a barrel "speculative premium" on the price of oil. In other words, he estimates that about half of the price of a barrel of oil is due not to the production and distribution of that product but simply to speculation.

The CEO of Marathon Oil said late last year that \$100 oil is not justified by the physical demand in the market. In other words, those guys see that the price of oil is being driven up by speculation.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation.

I thank Senators LEVIN and FEINSTEIN. I know Senator DORGAN and others have been involved in producing legislation and ideas to close this loophole. We must move forward and pass that type of legislation as soon as possible.

In addition—and this is an issue where there appears to be a degree of bipartisan support—some of our Republican friends also agree the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve, and in my view, my view, immediately release oil from this Federal stockpile to reduce gas prices.

This action has been taken in the past. It is not a new idea. Goldman Sachs has estimated that continuing to fill the Strategic Petroleum Reserve has increased gas prices at the pump by as much as 25 cents a gallon, and that clearly is unacceptable.

Releasing oil from the Strategic Petroleum Reserve in the past, under both Democratic and Republican administrations has, in fact, lowered the price of gas and crude oil. For example,

when President Clinton ordered the release of 30 million barrels from the SPR in 2000, the price of gas fell by 14 cents a gallon in 2 weeks.

When President George H.W. Bush, the first President Bush, released 13 million barrels of crude oil from the SPR in 1991, crude oil prices dropped by over \$10 per barrel.

Let me conclude by saying that the issue we are dealing with today, in my view, is not only the high price of gas and oil. As serious as that is, and as much impact as that is having on our economy, the deeper issue here is the degree to which people in our country, the hard-working citizens of our country, will or will not continue to have faith that their Government represents them.

It is no secret that President Bush will likely go down in history as perhaps the least popular President and, in my view, one of the worst Presidents we have ever had. But it is also true that the ratings of this Congress are extraordinarily low; they are even lower than where President Bush is.

I think the reason for that is people are suffering terrible problems right now. In almost every area you can think of, this country is going in the wrong direction. The middle class is hurting. We talked about oil prices, food prices, the loss of good-paying jobs, the health care system, Social Security falling apart, people are paying 25, 30 percent interest rates on credit cards. People are in trouble. In a Democratic society, when people are in trouble, they look to the people whom they elected, to their Government, to protect their interests. They are looking to Washington right now. They are looking here. They are hurting, and they are asking whether the Congress of the United States has the courage to stand up to the very powerful financial interests which have so much influence over what goes on here.

So I hope very much we have the courage to once again earn the confidence of the American people, that we understand the pain they are feeling, and that we act properly, that we lower gas prices, that we lower oil prices.

We can do this with bold action, and we can move this country to a new energy policy dealing with energy efficiency and sustainable energy. I think the American people want us to do that. I think that is, in fact, what we should do.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is really difficult for me to comprehend the reasoning of my friends on the other side

of the aisle. All week we have done nothing. One of the most important bills that has been brought before this body this year, the Federal Aviation Administration reauthorization, as we speak there are thousands of airplanes going all across the United States. The equipment that allows those airplanes to take off and land is antiquated and way out of line for making air travel in America as safe as it should be. This legislation is very important and would be good for America, good for passengers.

We have in this legislation the passengers bill of rights, money to replace antiquated equipment. But the Republicans have stopped us from legislating. We have tried virtually everything.

I wanted to have an orderly process, which I think is not unreasonable. So last night I said: We have filled the different trees to allow amendments, but if you want to offer one, come on. No.

I said: Well, give us a list of the amendments you want to offer. No. They said: Bunning has an amendment. Let us see it. That went on all day yesterday. Finally, they told us today the subject matter of that particular amendment. When I learned about the subject matter, I said fine. It is something about coal being changed so they can use the fuel for flying airplanes. No.

I said: I will tell you what we will do. We will take down the tree. You can offer anything you want. No.

We heard what they didn't like were provisions that would allow rail service in this country to be updated and modernized. They didn't want that. There was some language in the bill that would do something to help make highway safety paramount. Don't want that. Offer an amendment to take it out. No.

Finally, I came to the conclusion that their objection was to a provision contained in the President's budget. I couldn't make up a story that is more ridiculous than the one I am relating, which is the truth. There is a provision in this bill that gives the State of New York the final amount of \$20 billion that was promised them after 9/11 by President Bush. That amount of money is in his budget for this year, which he gave us. I talked to the distinguished Republican leader and said: Offer an amendment to take it out. This is in the President's budget. We still oppose it, is what I was told.

So it is obvious. The Republicans don't want to do anything to improve, to modernize the Federal Aviation Administration. I hope people who are within the sound of my voice think about that when they are flying across the country.

We are not going to be able to do it this year, more than likely. There will be room made in the schedule by the Republicans to take up \$170-odd billion for funding the war in Iraq from now until a year from this June. With glad hands, they will all come to the Senate floor and spend more money in Iraq. I

guess they don't want to pull the plug on spending \$5,000 every second. Maybe they are trying to up the ante. I will have more to say about this tomorrow, but it is really a disappointment.

This is not a victory for the Republicans to maintain the status quo, is it? Of course not. Would it be a big victory for the Democrats to pass the Federal aviation reauthorization? No. It would be something good for the American people. I hope the American public sees this for what it is. We Democrats are in the majority. It is a slim majority. It is 51 to 49. The Republicans obviously are upset over the fact that we are in the majority. They want the record to show that this Congress accomplished nothing.

In spite of the obstacles and their obstruction, we have still accomplished quite a few things. We are proud of what we have accomplished, considering all the hoops we had to go through to get where we did.

I never give up hope. I hope there will be a new day in Washington starting next week. One way we can have a new day: We give all the blame to the Republicans in the Senate. They certainly are the ones who are on the firing lines. But do you know how much it would mean if the man down at 1600 Pennsylvania Avenue would call the Republican leader and say our country needs this FAA reauthorization? We need it. The President could call down here and break this logjam, as he could have done on all the other legislation they have stopped. How in the world do these people go to bed at night not worrying about the air traffic system falling apart, because it is going to. It is in desperate shape.

Out in this parking lot there are new automobiles that have GPS systems in them. That is better equipment than the FAA has moving all the airplanes around the country.

#### CLOTURE MOTIONS

I send a cloture motion to the desk to the substitute amendment No. 4627.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4627 to H.R. 2881, the FAA reauthorization.

Harry Reid, John D. Rockefeller IV, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark L. Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Thomas R. Carper, Amy Klobuchar, Sheldon Whitehouse, E. Benjamin Nelson, Richard Durbin, Blanche L. Lincoln, Daniel K. Inouye.

Mr. REID. I now send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2881, the FAA reauthorization.

Harry Reid, John D. Rockefeller IV, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark L. Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Thomas R. Carper, Amy Klobuchar, Sheldon Whitehouse, Blanche L. Lincoln, E. Benjamin Nelson, Richard Durbin, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the substitute amendment No. 4627 occur at 2:30 p.m., Tuesday, May 6; further, that the mandatory quorums for both motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not.

#### MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING JOHNNY H. KILLIAN

Mr. BYRD. Mr. President, I am saddened to learn that Mr. Johnny H. Killian has passed away. Mr. Killian was a highly regarded, highly admired, and highly utilized specialist in American public law at the Congressional Research Service. For more than four decades, he advised Members of Congress and our staffs on constitutional issues.

He had an encyclopedic knowledge of constitutional principles that was based on his astute mind, his many years of unbiased research, and his keen analytical skills. With his prodigious memory, he could provide guidance and cite, in detail, case law pertaining to nearly all of the key constitutional issues that came before the Senate. My staff and I depended on him for assistance and advice on a number of issues, including the line-item veto, the War Powers Act, eminent domain, prayer in schools, federal funding for education, and privacy protections under the fourth amendment.

I always appreciated the level of dedication and pride Mr. Killian took in his work. He was never too busy to answer the phone or return a call. He worked tirelessly to make certain that lawmakers and their staffs stayed always attuned to the original intent of the Framers. When presented with a question or a request, he responded quickly and with an amazing grasp of specifics, and with thorough information, even when presented with an unusual inquiry late in the evening, on a weekend, or even during a holiday or when he was ill at home.

All of this professionalism was enhanced by the fact that Mr. Killian was such a pleasant person with whom to work. He was soft-spoken, courteous, and a dedicated public servant. He was a man of incredible patience and kindness, with a warm sense of humor.

Mr. Killian will be truly missed by his Senate family, but his legacy as an academic, and a researcher, blessed with an extraordinary legal mind will be with us for a long time. Senators will remember him for a lifelong, commitment to the Constitution.

Mr. President, I extend my most heartfelt condolences to his family and many friends.

#### ROTUNDA COMMEMORATION

Mr. STEVENS. Mr. President, today as this Congress commemorated our National Commemoration of the Days of Remembrance for 2008 in the Rotunda of the Capitol of our Nation, Joshua B. Bolten, the Chief of Staff of President Bush, delivered the keynote address.

I note that Josh Bolten noted he will travel with President Bush later this month to Israel to commemorate the 60th anniversary of the founding of Israel, which he pointed out occurred just 3 years after the Holocaust.

I ask unanimous consent that Mr. Bolten's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Remarks by Joshua B. Bolten, May 1, 2008]

#### DAYS OF REMEMBRANCE

(United States Capitol Rotunda)

I am deeply honored to be at this podium today, to speak about anniversaries and the moral obligation of memory.

Many who have stood here before me have spoken from their own memory, telling their most personal of stories—the years of suffering, the loss of loved ones, survival and the anguish of haunting memories. I have no such stories to tell. My Jewish grandparents left Europe before the Holocaust, bestowing on my parents the gift of being born in this land of freedom.

But I do stand here as the proud son of a brave young American soldier, decorated for the valor that led to his capture by Nazi forces. Imprisoned in a German POW camp for two years, he refused to hide the dog tag that bore the letter H (for Hebrew). Twenty-five years later, working at the White House near the end of a distinguished career of national service, my father shepherded the work of the President's Commission on the Holocaust and helped bring to fruition the

first of these National Days of Remembrance ceremonies, and ultimately the U.S. Holocaust Memorial Museum itself.

We gather at this 29th Days of Remembrance ceremony in a year and season of grim anniversaries. It has been almost exactly 75 years since the Nazis organized a massive nationwide boycott of Jewish businesses that inflamed anti-Semitism throughout Germany. 70 years since Kristallnacht, the night of brutality that, as Fred Zeidman eloquently described, exposed to the world Nazi intentions toward the Jews. 65 years since the Warsaw uprising, as Joel Geiderman reminded us, the best known of many episodes of heroic resistance.

Passover, which ended just a few days ago, commemorates the liberation of Jews from slavery in Egypt thousands of years ago. So 65, 70, even 75 years in our history is not so long a time. But it is almost a lifetime. Had Mordecai Anielewicz, the young commander of the Warsaw uprising, survived, he would be almost 90 today.

With the passage of time, the Rescuers, the Liberators, and the Survivors—like those whom we're blessed to have with us today—are naturally dwindling in numbers. Earlier this year, we lost the beloved Congressman Tom Lantos (so well remembered just now by Ambassador Meridor), whose experiences as a Survivor gave extra gravity to his powerful calls to conscience.

We are transitioning from living memory to historical memory, and that places a great burden of responsibility on the rest of us. As the witnesses to the witnesses, we carry the moral obligation of memory.

And what is that obligation? Surely it is more than fixing blame—for just as the generation of Survivors, Rescuers and Liberators dwindles, so must the Perpetrators, Collaborators and Bystanders. But why must we remember in such painful detail?

In his introduction to the presidential commission report that my father helped shepherd, Elie Wiesel gave an eloquent answer: First, Wiesel wrote, "we cannot grant the killers a posthumous victory. Not only did they humiliate and assassinate their victims, they wanted also to destroy their memory. They killed them twice, reducing them to ashes and then denying their deed."

A Nazi guard once told Simon Wiesenthal that, in time, no one would believe his account of what he saw. Many in this room have devoted a lifetime to proving that prediction wrong. Yet there are still those who challenge the facts surrounding the Holocaust, or even brazenly deny its reality. Whatever form it takes—from cartoons in a newspaper owned by the Syrian government, to statements by leaders of Hamas, to an international conference hosted by the President of Iran—we must stand against every attempt at denial. We have an obligation to condemn these lies for what they are—and remind people of the truth.

Wiesel's second explanation for the moral obligation of memory is that "we cannot deny the victims the fulfillment of their last wish . . . to bear witness." This wish is captured in Emanuel Ringelblum's "Oneg Shabbat" project, which Sara Bloomfield just described. When we read the victims' stories in those long-buried milk cans, we relive their suffering. We honor their defiance. And we fulfill their request never to be forgotten.

Third, and most important, Wiesel wrote, "we must remember . . . for the sake of our own humanity," because "indifference to the victims would result, inevitably, in indifference to ourselves."

We saw this indifference on shameful display at the Evian Conference, which also marks its 70th anniversary this year. At that conference, powerful nations gathered in the heart of Europe to consider the plight of

Jews in Nazi Germany. Yet they mustered only excuses for inaction, refusing to make the changes in refugee laws that could have rescued millions of Jews with a simple stamp on a paper. Five years later, with the full horror of the Holocaust primed to unfold, nations again gathered in Bermuda. This time, they produced a mere joint statement—along with a bureaucratic report that arrived long after the killing machines of Auschwitz and Treblinka were operating at full force.

Tragically, the international community has repeated this indifference in the decades since the Holocaust. In Rwanda and elsewhere, the innocent have paid the price.

Our generation has an opportunity—and a moral obligation—to be different. When we say, "Never again," we must mean it. Not in our moment of history and responsibility. We must call evil by its name, and confront it with purpose and courage. We in government service especially must challenge those who have become enamored with process that substitutes for action and who shrink from the hard choices.

This commitment is being tested in Darfur. President Bush is the only world leader to call the killing there "genocide." He has ordered sanctions on those responsible for violence. And he has pledged to provide training and equipment to help African troops deploy to Darfur. Yet America remains too lonely in this effort. In the past three years, the United Nations Human Rights Council has passed more than six times as many resolutions against Israel as it has against Sudan. And despite repeated urging, the UN peacekeeping force has yet to deploy. It is not too late to set this right.

In answering Wiesel's three calls—to deny the killers a posthumous victory . . . to fulfill the last wishes of the victims . . . and to affirm our own humanity—we uphold the moral obligation of memory. And in our responsibility as witnesses to the witnesses, we are blessed to have remarkable assets.

First, of course, are the Survivors themselves, who comprehend evil with a clarity that comes only from direct experience. As they share their stories, they do more than deepen our knowledge of history—they advance the cause of justice.

We are also blessed with the efforts of individuals like Father Patrick Debois. Going door to door, Father Debois has collected the testimony of more than 700 witnesses and bystanders to the Nazi terror in Ukraine. He has identified the burial sites of countless victims shot execution-style in what has been called the "holocaust of bullets." Thanks to this good priest's work, names and stories are replacing the cold anonymity of mass graves. And witnesses who have held these memories in their hearts for 60 years are finding healing. Father Debois, we are honored by your presence today.

For generations to come, a lasting source of learning and memory will be the museums. In the past year, I have had the privilege to visit three with the President—Yad Vashem in Israel, the Kigali Genocide Memorial Center in Rwanda, and the U.S. Holocaust Memorial Museum here in Washington. These museums commemorate loss in distinct ways. Yet they all recognize that genocide is possible only by the denial of individuality. And they recognize that the best way to restore humanity is to retell the victims' stories, one by one.

At Yad Vashem, exhibits commemorate not only the victims lost—but also the lives lived. They show loving homes and cherished possessions—reminders of the richness of humanity stolen away.

At the Kigali Center, a communal grave holds nearly a quarter million victims, and that number continues to grow as Rwandan authorities gather remains from the 1994

genocide. God only knows—literally, only God knows—the identities of those who rest on the site. Yet inside the museum, exhibits display vivid Polaroid photographs of individual victims, most of them children. Beneath the photos are descriptions of simple things like a favorite sport or food—personal details that capture the uniqueness of each unfinished life.

At the U.S. Holocaust Museum, each visitor receives the identity card of a victim—the tragedy of the Holocaust on a personal scale. Already, 27 million visitors there have pursued their obligation of memory. Now and always, the witnesses will far outnumber the victims.

This year marks the 15th anniversary of the Holocaust Museum. Later this month, I will travel with President Bush to commemorate another proud anniversary—the 60th anniversary of the founding of Israel. The birth of Israel just three years after the Holocaust reminds us that the last word need not be death and destruction. When Air Force One touches down at Ben-Gurion airport, we will see the American and Israeli flags waving side-by-side. And we will hear two national anthems: the Star Spangled Banner, and "Hatikvah" . . . "The Hope."

Hope is at the center of Israel's existence. It is at the center of the Jewish faith. And it is at the center of our task during these Days of Remembrance. The Holocaust shows that evil is real—but hope, goodness, and courage are eternal. When we carry this truth in our hearts, we uphold the moral obligation of memory. And we summon the strength to meet our solemn pledge: Never again. Not in our moment of history and responsibility.

#### IN RECOGNITION OF FRANKLIN D. BARCA

Mr. GREGG. Mr. President, I rise today to express my thanks to Franklin D. Barca, a loyal member of my staff who has chosen to retire after being a public servant to our country for more than four decades. A graduate of Braintree High School in Braintree, MA, and Northeastern University, Frank served a full career as a civilian within the Department of Defense at locations such as the U.S. Army Natick Soldier Systems Center, the Portsmouth Naval Shipyard and the Pentagon. To my good fortune, Frank was assigned to my office as a detailee in 1997 and later agreed to join my staff as my military legislative assistant, a position he has dutifully held ever since.

Serving as my adviser on national security issues, Frank's greatest legacy will be his work as the clerk of the caucus created to save the Portsmouth Naval Shipyard during the 2005 round of base realignment and closure. His tireless work ethic, attention to detail, and leadership were instrumental in our efforts to show the Department of Defense that Portsmouth truly is the gold standard of the Navy. During his work on BRAC, Frank was affectionately given the nickname of "The General."

Walking through the Capitol with Frank you understand his love and respect for history. Whether it's showing someone Lincoln's catafalque for the first time or telling stories of the District during the Civil War, Frank

seems to have a bit of trivia for every corner of this building. In the words of another man whom the states of New Hampshire and Massachusetts lay claim, Daniel Webster, "The dignity of history consists in reciting events with truth and accuracy, and in presenting human agents and their actions in an interesting and instructive form. The first element in history, therefore, is truthfulness; and this truthfulness must be displayed in a concrete form." I will certainly miss Frank's advice, straightforwardness, and willingness to go the extra mile to help me serve the people of New Hampshire.

I hope that Frank Barca will enjoy his retirement. It is an achievement that he certainly has earned. I know that Frank will get pleasure from being able to spend more time with his wife Elaine, his daughters, and his four grandchildren Katie, Meredith, Michael, and Sarah.

#### TRIBUTE TO PAUL BRUHN

Mr. LEAHY. Mr. President, one of the people who has done the most to protect so much in Vermont is Paul Bruhn. We Vermonters know that Paul, as the executive director of the Preservation Trust, has done an enormous service by leading conservation efforts to save the very best of our State.

I ask unanimous consent that the full article by Virginia Lindauer Simmon, from the April edition of *Business People Vermont*, be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From *Business People Vermont*, Apr. 2008]

#### PAST PERFECT: GUIDING THE CONSERVATION OF ONE OF THE COUNTRY'S 11 MOST ENDANGERED PLACES

(By Virginia Lindauer Simmon)

Paul Bruhn hasn't strayed far from his roots. What he has done is continue to tweak them, to the benefit of us all.

Bruhn is executive director of the Preservation Trust of Vermont, which he helped to found in 1980. The list of properties the organization has helped since then—more than 1,500—reads like a compendium of places that make Vermont . . . well, Vermont.

The organization's story is much broader than preserving historic structures. The work involves, for example, a partnership with Mad River Glen to reconstruct and rehabilitate the single lift chair, an icon of skiing in Vermont; helping people in Starksboro establish a village store—so crucial to community life in small towns and villages; acquiring a geologic site in Isle LaMotte; encouraging large-scale retailers such as Wal-Mart to consider building smaller-scale stores in Vermont's downtowns; underwriting publications that speak to the Vermont way of life; aiding community-supported agriculture or a group in Hardwick that, says Bruhn, with contagious enthusiasm, "figured out that if you're going to have a good community and downtown revitalization project, you need a great small restaurant and pub that serves the entire community."

Bruhn's passion for his work makes perfect sense, especially when it comes to downtowns. He grew up in Burlington, where his

family owned Bruhn Office Equipment on Church Street—in the same building where Bruhn's office is today. "I used to hang out this same window when I was a little kid watching parades," he says.

After graduating from Burlington High School in 1965, Bruhn studied at Fairleigh Dickinson and the University of Vermont. "I left without graduating, and just before they were probably going to throw me out," he says with a grin.

At the time, he was working for the Suburban List community newspaper and its founders, Proctor and Ruth Page. "I started out selling advertising at \$25 a week," he says, chuckling. "I was a reporter and took care of the paper when they were on vacation. They really gave me my start in life."

That start included backing him when he launched Chittenden Magazine, a monthly publication he poured his life into from 1969 to '73, including mortgaging his house for living expenses. "Proc and Ruth backed it for four years, and it was arguably an artistic success and not a real financial success." He laughs heartily. "That was my real 'college' education."

When the magazine folded, Bruhn found work with his friend Patrick Leahy, the state's attorney for Chittenden County, as a consumer fraud investigator. A year later, he was tapped to run Leahy's campaign for the U.S. Senate.

"That, obviously, was an amazing experience. I went down to Washington and served as his chief of staff for four years. I was 27, and fortunately lots of people took me under their wing and helped me through the intricacies of the operation of the Senate."

Bruhn planned on staying two years, but lasted four, during which his interest in historic preservation grew.

Returning to Vermont in 1978, he went into consulting, first helping to organize the restoration of the Round Church in Richmond. In Washington, he had worked with Leahy on obtaining federal funding for the development of the Church Street Marketplace. Back home, he helped put together the campaign for the required local 10 percent match.

When a group he had encountered during the Round Church project—the Vermont Council of the Society for the Preservation of New England Antiquities—decided to start a statewide preservation organization, Bruhn was hired to run it, "because I was available and inexpensive," he says with typical humility.

The Vermont Division for Historic Preservation had provided a good infrastructure for preservation work in the state, having worked since the early 1970s on the state survey of historic places. More than 30,000 buildings and numerous historic districts are on the state register in Vermont, and 10,000 of those are also on the national register.

Grant-making has been a piece of the organization's work since the early days, starting with small seed grants of \$250 to \$500. Funding comes from various sources. In the late 1980s, the organization started the Fund for Vermont's Third Century to encourage people to celebrate the bicentennial in ways that would last. It ran for four years leading up to and through Vermont's bicentennial in 1991.

In 1994, a special partnership was developed with the Freeman Foundation. "It would be impossible to overstate how important it's been," Bruhn says. "We're the nudge, the supporter, the enabler—and are lucky to have partnerships like this." Funding from the Freeman Foundation has provided grants to more than 300 projects and played a key role in over \$115 million worth of rehabilitation work, he says.

Bruhn's lively, creative mind, good sense of humor, and ability to inspire affinity have

served him well in his chosen career. James Maxwell, a Brattleboro attorney and a member of the board of the Brattleboro Arts Initiative, has seen this first-hand. He was president of the board in 2000-2001, when the BAI became involved in buying the Latchis hotel and theater complex.

"Paul is a man of wide comprehension as to the needs of downtowns in Vermont, and I would venture to say in the country as a whole," says Maxwell. "Not only is his knowledge comprehensive, but he is a feeling human being, someone who resonates with groups that he works with and is of incredible assistance, not only in the nuts and bolts of how you go putting together a deal, but also how you move things along."

"He is a congregator. Without getting up on the pulpit and giving a sermon, he is able to congregate people in a situation."

This talent and Bruhn's understanding of the benefit of being willing to change with the times have helped keep the organization strong.

He inspired change 10 years ago, when the organization entered a nationwide competition sponsored by the National Trust for Historic Preservation and the Mellon Foundation, seeking ideas on how to improve the delivery of services and the effectiveness of the historic preservation movement nationally.

Vermont was one of two states whose submissions were chosen, says Bruhn. "We were selected for developing a program for providing field services, so instead of providing support to local organizations via telephone calls and some visiting in the field, we would hire two part-time people who would spend the vast majority of their time in the field working with local organizations helping them move their projects along."

The Preservation Trust of Vermont received a significant grant "It was \$170,000, and that was 10 years ago," says Bruhn—which provided full funding the first year, 70 percent the second year, and 30 percent the final year.

The program so impressed the National Trust, it recently dedicated a \$5 million grant it received to helping other statewide organizations establish their own field service programs.

Another big change came, says Bruhn, when Robert Hoehl, the co-founder of IDX, and his wife, Cindy, purchased the former Camp Marycrest from the Sisters of Mercy, then donated it to the Preservation Trust in 1997. "We had not owned property prior to that—hadn't dreamed of owning property—but this was an amazing opportunity."

The organization gratefully accepted and formed a partnership with caterer and former restaurateur and innkeeper Beverly Watson, who leases the property. "We use it largely for weddings on weekends during the summer. During the week, it's used for retreats and training."

A big turning point was in 1993, when Vermont was named an endangered state by the National Trust. This brought the issue of sprawl to the fore. "We became a much more visible organization," he says, and work very closely with citizen groups and partners like the Vermont Natural Resources Council and Smart Growth Vermont on the issue of sprawl and the negative impact that big-box retailing can have on our downtowns and village centers and how they change downtowns. In 2004, the National Trust again named Vermont one of the 11 most endangered places in the nation.

Bruhn was the only staff person early on, and even today, the staff is small, with the equivalent of four full-time employees.

The other full-timers are Elise Seraus, the office manager/administrative assistant, and

Ann Cousins, who splits her hours between field services and fund raising. Bill Polk, the financial officer, works one day a week. Eric Gilbertson, who was deputy director of the Vermont Division for Historic Preservation and recently retired after almost 30 years, works half time in field services. Meg Campbell, also half time, manages the facade easement program, does field services in Bennington County, manages the Web site, and produces the electronic newsletter.

Because he's been with the organization for so many years, Bruhn says, "there are people who say, 'Well, the Preservation Trust, it's just Paul Bruhn.' It's not even close to that."

"I've always had a very strong, very involved board of directors who provide a lot of the direction for the organization." The directors, he says, genuinely like each other, are very proud of the organization, "but that doesn't stop them from having good disagreements and good debate."

The secret to keeping a board active and involved, he says, is to have two-day board meetings four times a year. "In February, in the middle of a snowstorm, we went on a two-day tour around the northern part of the state." He counts off eight towns (and multiple projects within them). "We talked all the while on the bus, a great discussion about what's happening in Vermont, how the community's doing, and this work—the support we try to give to local organizations."

On the importance of the organization's downtown work, Bruhn is adamant. "I love downtown Burlington. I grew up here, helped secure funding for the Marketplace when I was working for Sen. Leahy; but downtown Burlington has become one that focuses on entertainment, high-end retail and tourism. We get that there are a lot of people in Vermont who need to be able to shop at a place like Wal-Mart, but wouldn't it be terrific if Wal-Mart would be interested and willing to build a smaller-scale store in downtown Burlington? It would insure that downtown Burlington would serve the entire community."

Bruhn pauses and takes a breath. "We're not in favor of pickling Vermont," he says. "On the other hand, we've got to find ways to grow that reinforce what's important about our place. It's essential that we are good stewards of our place."

#### TRIBUTE TO CON HOGAN

Mr. LEAHY. Mr. President, Marcelle and I have a good friend in Vermont named Cornelius Hogan, although everyone knows him as Con Hogan.

In our State, we have been fortunate to have people, of both political parties, who have given a great deal of themselves to serve the people of Vermont, and Con is an excellent example of that.

Recently, the newspaper the Times Argus published an excellent profile of him. I called Con and Jeanette to say how much I enjoyed it. I would like to share the piece with my fellow Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LIFE WELL SERVED; PLAINFIELD'S CON HOGAN REMINISCES ABOUT TIME IN GOVERNMENT, BUSINESS

(By Susan Allen)

PLAINFIELD.—Every Thursday a 4 p.m., the late Gov. Richard Snelling would invite some

of his cabinet members to his office and put a bottle of Wild Turkey bourbon and glasses on his desk.

"You could talk about anything you wanted," recalled Con Hogan last week, seated at the kitchen table in his Plainfield home, with an expansive view that includes the ski slopes of Sugarbush and Mad River Glen.

That was a new one for me. I thought I'd heard most of the behind-the-scenes stories from past—and present—administrations. I've been in the Vermont press that long, and collect interesting and odd-ball recollections like some people collect stamps. I'm fascinated by the people who devote their lives to serving the state.

But Hogan's reminiscences during our conversation proved how many good stories I've missed.

Hogan is retired from his extensive tenure in state government and we started talking about how busy he is during his so-called retirement (more on that later), but quickly began trading accounts of political personalities. Most of his tales were gathered during his professional journey from serving as a guard in a prison in Annandale, N.J., to heading Vermont's massive Human Services Agency under Snelling and former Gov. Howard Dean.

That journey included two significant side trips: An 11-year stint in the private sector helping International Coins and Currency slog its way out of bankruptcy in the 1980s, and an "ill-thought," unsuccessful run for governor as an independent against incumbent Jim Douglas and Democrat Douglas Racine in 2002.

"That was a period of temporary insanity," he said of the gubernatorial race, which almost certainly burned some bridges with the GOP hierarchy. "I don't regret it, but I don't consider it a high point."

Hogan received a degree in psychology from Rutgers, married wife Jeanette in 1965, and took a job as a prison guard in Annandale, rising quickly through the ranks to eventually serve as a division head with the New Jersey Department of Corrections, focusing on the budget.

"I loved it," he recalled of those 7 years. "The people who work in that line are under such professional pressure that you become fast friends, the closest friends."

Hogan and his wife regularly visited a good friend in Vermont who lived on an apple farm in Bennington, and in 1972 at age 28, he applied for the job of corrections commissioner in this State. He chuckles at his own audacity, and the outcome.

Then-Secretary of Administration Richard Mallary (who went on to serve in the U.S. House for Vermont) wrote Hogan a two-page, handwritten letter thanking him for his interest, letting him know the job was already filled, but urging him to contact the new commissioner to talk about becoming his deputy.

Hogan is amazed at the thought of Mallary writing such a long, personal note. But back in 1972, he did apply for deputy commissioner post and got the job.

Those were tumultuous years in corrections, he said. Then-Gov. Thomas Salmon, trying to control a huge state deficit, issued a 10 percent cut in all budgets, to be executed in 60 days—a staggering assignment, Hogan knew.

And the Windsor prison, which had opened in 1808 during the U.S. presidential administration of Thomas Jefferson, was closed in the early 1970s, leaving the State without a maximum security prison for a number of years.

With Snelling's first election in 1976, Hogan moved into the post of commissioner of Social and Rehabilitative Services, again during a difficult time. The Weeks School for

juvenile offenders closed, forcing the State to redistribute the 400 youth to smaller group facilities around the State.

Hogan recalled that all but 15 were placed at one point. Those 15, he said, were sent to stay with a Vermont couple who—without the State's knowledge—packed them all into a Winnebago and headed off to see the country.

"The dad called me from New Orleans," Hogan said. "I said, 'What are you doing in New Orleans?'"

Four of the young Vermonters had run off, and the state scrambled to fix the mess. Fortunately the story ended well for everyone and never (until now) became public, Hogan said with a grin.

After his 11-year foray with ICC in the 1980s, Hogan once again received a call from Snelling, who was considering a run for governor and wanted Hogan to head his transition team if elected. Snelling was elected and appointed Hogan his secretary of Human Services in 1991.

"During the transition, I was working from 6 a.m. to midnight, staying in the office—sometimes I slept over," he said. During a meeting one day, Hogan was called out because Jeanette was outside with fresh clothes for her husband. "I need to explain to my wife why I'm spending more time with you than her," Hogan told Snelling, who didn't like meetings interrupted.

"He lit up. 'Let's go meet your wife,'" Hogan recalled. Jeanette had just been to the dentist and had a front tooth removed, flashing a smile that showed a gaping hole. Hogan said Snelling never missed a beat and made a "big show" of graciousness to his wife.

Hogan recalled Snelling's impatience with long presentations. So, as Human Services Secretary, Hogan created a game where he took a deck of cards, and on each wrote a one-line synopsis of a proposed program, the cost, and the supporters and opponents. Fifty-two suggestions.

Snelling loved it; he'd flip through the cards quickly and make two piles: Yes and No. And Hogan knew how to proceed.

"He was at the top of his game," said Hogan of Snelling during that second trip to the governor's office. His recollections of his former boss are nostalgic and reflect his respect and deep admiration for the late governor.

Snelling died in office on Aug. 13, 1991. During his brief second tenure as governor, he worked with Democratic House Speaker Ralph Wright to craft a plan to retire an enormous state deficit, another point of pride for Hogan.

The day after Snelling's death, new Gov. Howard Dean called Hogan into his office for a briefing on the Human Services Agency.

"I was in no shape to go," Hogan recalled. Not only was he mourning Snelling's passing, he didn't know Dean or what to expect from the former lieutenant governor.

Hogan arrived with a list of 50 issues to discuss, and spent an hour running through them all. "Dean didn't say a word, he just listened. He was either getting it . . . or not getting it and he did," Hogan recalled.

The two worked well together for 8 years until Hogan left the administration in November 1999. "There's a half-life to that kind of job," he said of Human Services secretary. After making progress on many social issues, "I had begun to see some of the same problems again."

Then came the ill-fated gubernatorial run. Followed by retirement—or Hogan's version of retirement: He travels the world working with countries that include Australia, Israel, Chile, Norway, Northern Ireland, Scotland, and in May, Holland, to improve their government structure and programs for children.



He has also become involved in informal lobbying efforts for universal health care (the number of uninsured Vermonters has climbed from 42,000 in 2001 to 69,000 today, he noted; he predicts the increase will continue without serious action). He considers high health care costs a "serious economic threat" to the State.

He serves on the board of Vermont College in Montpelier, which is seeking certification and funding. Hogan also continues to play the banjo with his band, Cold Country Bluegrass (Jeanette plays the string bass).

And he helps Jeannette around the family horse farm, which she started but is now run by their daughter, Ruth.

That's his Con Hogan's idea of retirement.

His son lives next door with Hogan's two grandchildren, and Ruth lives around the corner. And in the end, that is his life's ambition achieved.

"Having my family close enough to enjoy their successes, and watch the kids grow up," he said. "Nothing comes close. This to me is what it's all about."

#### TRIBUTE TO REEVE LINDBERGH

Mr. President, Marcelle and I have many wonderful friends in Vermont. Some were born in Vermont, and others have come to enjoy our very special State. In the latter capacity is our friend Reeve Lindbergh, who lives with her husband, Nat Tripp, in Vermont.

Like her parents, Reeve is a terrific author, and a conversation with Reeve is a conversation worth having. You always learn something from it, but, more importantly, you always leave with a greater sense of what is essential in life. I am extremely proud of her.

Kevin O'Connor recently wrote a profile of Reeve, which I would like to share with my fellow senators. This profile does a good deal to capture her essence, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Mar. 30, 2008]

ONWARD AND UPWARD: DAUGHTER OF LEGENDS, REEVE LINDBERGH LOOKS "FORWARD FROM HERE"

(By Kevin O'Connor)

Vermonter Reeve Lindbergh wrote her first memoir about growing up with her father, aviator Charles Lindbergh, and her second memoir about the final months of her mother, author Anne Morrow Lindbergh. Recently turning 60, she began a third memoir—this one about aging. She aimed to leap fearlessly into the future right from its title: "Forward From Here: Leaving Middle Age—and Other Unexpected Adventures."

That's when she found herself pulled every which way by the past.

First she thought about all the unlisted phone numbers still ringing in her memory—one of many safeguards instituted by her parents after the 1932 kidnapping of her late brother, Charles Jr.

"When you are taught to memorize your home phone number and never to reveal it except to close relatives and maybe the family doctor, you don't forget that number."

Then she thought about the day in 2001 when, after the death of her mother, she drove from her Northeast Kingdom home to a storage building in Stamford, Conn. There she opened box after box to find her parents'

1929 wedding gifts in their original wrappings. Pausing for lunch at a nearby diner, she glanced at a television to discover, 30 miles south, the smoldering remains of New York City's World Trade Center.

It was Sept. 11.

Finally she thought about what her publisher bills as her book's "shocking surprise." Lindbergh long described herself as the youngest of five children. Then in 2003 she learned her late father—the first person to fly solo and nonstop from New York to Paris—later crisscrossed the Atlantic out of a too-literal interest in foreign affairs.

"In one essay that is sure to attract much attention, the author writes about her reaction to learning that her father had three families in Europe, a fact that remained a secret for 50 years," publicity promises. "This is the first time any member of the Lindbergh family has discussed in detail their reaction to the controversial and surprising revelation."

Lindbergh, angry at her father upon learning the news, now can laugh at such hype. New book in hand, she not only has made peace with all her discordant memories but also arranged them into a mosaic of "sly, gentle humor" and "quiet resolve" (says Publishers Weekly) that's reassuringly human.

The modest yet gregarious 5-foot-3 daughter of the 6-foot-3 flyer is drawing the attention of Vanity Fair and the New York Times. But the 40-year Vermontor would be just as happy sticking out mud season at home with her husband, her monthly End-of-the-Road Writers Group (named less for its participants than its location) and her menagerie of dogs, chickens and sheep.

"I'm not so interested in being confessional, but in what certain experiences are like," she says in an interview. "When you're pretty honest and not too fancy, it seems to help people."

#### HIPPIE FLATLANDER

Lindbergh has long had a thirst for life. Tiny and anemic at birth, she required a pint transfusion of her father's blood. She still remembers her thoughts upon receiving the newly invented polio vaccine as a 1950s schoolchild: "I'd hope that death would be wiped out by the time I grew up."

Alas, mortality remains uncured. So what does aging mean to a 60-year-old woman, wife and mother? Lindbergh put her left hand to yellow-lined paper to pen a series of essays. Reflecting on the present, she found herself rewinding to the past.

Growing up in a Connecticut suburb where "tea hour" led to "sherry hour," Lindbergh nevertheless found her family didn't drink up fame. Her father—a Midwest farm boy who focused on the moment rather than on memories—never talked about his historic 1927 flight. Her mother therefore had to offer reassurance when they watched Jimmy Stewart re-create his grueling 33½-hour crossing on the movie screen at Radio City Music Hall.

"Does he make it?" his little daughter asked.

Her father didn't fly to escape the earth, she knows today. As a conservationist, he just wanted a bird's-eye view. With a similar love of the land, she moved to the Green Mountains upon graduating from Radcliffe College in 1968, taking a teaching job in the southern Vermont town of Readsboro before retreating north in 1971 to the countryside outside St. Johnsbury.

"The optimists among us thought they were harbingers of a quieter, cleaner, saner way of life on the planet, returning to past customs in order to create a better future," she writes. "Some native Vermonters, especially older ones who had spent their early

years on farms without electricity or indoor plumbing and had been chopping, stacking and burning firewood all their lives, smiled good-naturedly and shook their heads."

Others just labeled her and her like "hippie flatlanders." Reeve wed a man named Richard, then befriended fellow transplants Nat and Patty. Soon came children, midlife, divorce and a new couple: Reeve and Nat (Tripp, himself an accomplished author). Today the last of the offspring have flown the coop, leaving Lindbergh with a teeming henhouse, sheep barn and sofa for two dogs. "Why not?" she says of the canine couch. "Nobody else was using it."

Entering the life stage her mother called "the youth of old age," she also faces countless questions.

#### SIXTIES GENERATION

The first: Can a couple of "hippie homesteaders" who harvest 600 bales of hay a year get a hot tub?

Her brain said no. But her achy right shoulder and her husband's bad knee screamed yes.

What about her view of wrinkles?

"When I say I don't mind looking at my face in the mirror anymore, part of the reason may be that I can't see it," she writes. "Maybe I care less now than I did then about how I look to other people, or maybe I know from long experience that most people ignore our imperfections because they are concentrating upon theirs."

And drugs?

"As I and the other members of this much-publicized 'Sixties Generation' go through our own sixties—and seventies and eighties and (we secretly hope) beyond—the least we can do for ourselves is live up to our own mythology and take lots of drugs."

("Legal drugs," she clarifies.)

Lindbergh, seeking to comment on both the salvation and side effects brought by modern-day pharmaceuticals, devotes a full chapter to listing everything in her medicine cabinet, from the anticonvulsants required after falling off a horse to the antidepressants prescribed during the year her mother was dying.

"I realize there are people who are embarrassed about the medications they take," she says in an interview, "but it was in no way difficult for me to write about that."

Neither does she shy away from the topic of death—not that she has made peace with it. Take the three fuzzy chicks on her property that wandered from their mother and perished.

"Even after 30-odd years of country living, with all the dead chicks, dead lambs, dead dogs and dead horses, the hamsters, the rabbits, the lizards and the turtles (not to mention, dear God, the people!), I still get upset about it."

Lindbergh writes about the burial of her father, who died of cancer in 1974 at age 72, and the cremation of her mother, who died in 2001 at age 94. The resulting ashes led to a question: "Where do you put them?"

Family members scattered them in favorite places around the world—but only after their matriarch, a gardener, first considered a flower bed.

"She said it would be so good for the lilies of the valley," Reeve Lindbergh reports matter-of-factly.

#### A PRIVATE MATTER

Lindbergh has spent much of this new century wrestling with the old one.

In 2004, she traveled to the Florida island of Captiva where her mother wrote the 1955 book "Gift from the Sea." In that collection of essays, Anne Morrow Lindbergh found meaning in shells—from the channeled whelk that represents "the ideal of a simplified life" to the moon shell that reminded her of solitude.

A half-century later, Reeve Lindbergh discovered many of the same shells—as well as discarded plastic cups, drinking straws and cigarette butts. She tucked away the treasures and threw away the trash. But she can't pitch other remnants of her past so easily.

The kidnapping and death of her parents' first child, 20-month-old Charles Jr., topped world news in 1932. Decades later, people still write to say they're her long-lost brother. That's why she was skeptical when, five years ago, the European press claimed her father had affairs with three German women who gave birth to five boys and two girls.

The headlines proved explosive: "Lindbergh fathered children by three mistresses." Adding fuel, the stories reminded readers that some people had labeled the American hero as a Nazi sympathizer when he opposed the United States' entry into World War II.

Reeve Lindbergh replied with a public statement still pinned to her bulletin board: "The Lindbergh family is treating this situation as a private matter, and has taken steps to open personal channels of communication, with sensitivity to all concerned." (Today she translates that to mean: "We don't know any more than you do, but we're trying to figure this out while causing as little pain as possible.")

DNA tests proved the reports to be true. In her book, Lindbergh recalls her initial feelings of anger and bitterness.

"How do I fold this story into my memories of my father?" she writes. "I certainly could have done without his endless lectures on the Population Explosion, with all those graphs and charts on 'exponential growth curves' (that's a direct quote). How could he have done this with a straight face, let alone a clear conscience? A man who fathered 13—I think, I still have to stop and count us!"

Calmer now, she has visited her European siblings and hosted them in Vermont. Meeting one half brother halfway around the world, she shook her head just like he did, all the while silently sharing the same thought: "This is absolutely normal and completely insane, too."

Lindbergh devotes her book's last chapter to her conflicting emotions about her father's secret. (Kirkus Reviews hails it as "a moving account.") She didn't plan to write about it so publicly. Then she found reason.

"I've noticed how many things there are that people are afraid to talk about," she says in an interview. "If you leave something in the realm of scandal and sensation, it becomes very unreal. I just wanted to write about it and then let it be. I've found, in spite of all the craziness, that my new relatives are just great."

#### LUCKY . . .

Life, she has discovered, eventually puts everything in perspective.

Lindbergh wrote one chapter about clutter in her mind. Ten days later, she was diagnosed with a brain tumor. It led to surgery—and something equally unexpected.

"I soon discovered that the effect the two words 'brain tumor' have on people is remarkable: 'I'm sorry, I can't help you/be there/send a contribution just now. I have a brain tumor.' Stunned silence, then instant retreat. With these results it's hard to resist taking advantage of the circumstances."

Even so, Lindbergh gladly agreed to serve as grand marshal of the annual Lyndonville (village population 1,236) Stars and Stripes Festival parade.

She isn't the first in her family to face a medical crisis. Her older sister, Thetford writer Anne Spencer Lindbergh, died of cancer 15 years ago at age 53.

"I worry less and less, not more and more, about getting old myself," Reeve Lindbergh says. "I don't mind if I do. I wish she could, too."

Lindbergh faces a busy spring. She'll serve as narrator next weekend for the Bella Voce Women's Chorus of Vermont premiere of Braintree composer Gwyneth Walker's new work "Lessons from the Sea," inspired by Anne Morrow Lindbergh's "Gift from the Sea."

She'll then appear at more than a dozen New England bookstores as the national media rolls out profiles and reviews. She finds such travel can be exhilarating and exhausting—As a result, she'll no longer attend so many far-flung celebrations of her father and instead stay closer to home to read the unpublished writings of her mother.

"With a family like mine, you have to be careful not to let history take over too much of your life," she says. "I think I could let other people represent my parents at ceremonies. My mother's work has always struck a spark, especially with women. I would love to see some of that unpublished material out in the world."

Leaving middle age, Lindbergh hears the clock ticking. She remembers two framed needlepoint phrases in her grandmother Morrow's home. One said, "It is later than you think!" The other said: "There is still time."

"I don't know what further changes I will enjoy or endure as I age, but I do know the answer to the question I asked myself at 30, and 40, and 50: 'How did I get to be this old?' I was lucky."

### ADDITIONAL STATEMENTS

#### TRIBUTE TO BILL KENNEDY

• Mr. COCHRAN. Mr. President, I am pleased to commend Bill Kennedy of Inverness, MS, for his distinguished service and exemplary contributions to the Mississippi Delta as president of the Delta Council.

Delta Council, an economic development organization in the Mississippi Delta, represents the business, professional, and agricultural leadership of the region. Bill has commendably fulfilled the role of president during a time when Mississippi agriculture and the economy of the State of Mississippi have faced significant challenges.

As president of the Delta Council, Bill was called upon to commit time and resources to the ever-pressing issues of Mississippi River flooding due to the delta's geographic location at the bottom of a watershed funnel encompassing most of the United States.

Bill Kennedy has set the standard by which other agricultural leaders of the Mississippi Delta are measured. As past president of the MS Ginners Association, past president of the Southern Cotton Ginners Association, and president of Duncan Gin, one of the oldest and most successful agricultural enterprises in the Mississippi Delta, Bill has proven to be an effective advocate on behalf of delta agriculture. Because of his unique understanding of the U.S. cotton industry, his counsel is frequently sought when issues of national, statewide, or regional concern arise.

Additionally, the role which Bill Kennedy has played in wildlife conservation through his leadership as former president of Delta Wildlife is inestimable. Bill is a true sportsman and conservationist who has devoted thou-

sands of hours to making the Mississippi Delta a better place for all those who live and do business in the region.

I congratulate Bill Kennedy, and thank his wife Lanny, his son Larkin, and daughter in law, Jenny Ruth, for the year which they have shared with the delta while Bill has served as president of Delta Council.●

#### RECOGNIZING BRYAN McDONALD

• Mr. COCHRAN. Mr. President, I am pleased to recognize the service of one of my constituents, Mr. Bryan McDonald. Bryan has served the State of Mississippi and Governor Haley Barbour as director of the Governor's Office of Recovery and Renewal. In his final week as director, I thank him for his outstanding contribution to Mississippi's progress in the aftermath of Hurricane Katrina.

Prior to his appointment, Bryan worked with the Mississippi Emergency Management Agency as director of accounting Oversight, where he helped provide assistance to governmental and nonprofit applicants under the Stafford Act. Bryan's extensive management experience as a CPA and auditor suited the State perfectly in our recovery efforts.

Bryan established a team and a process which ensured FEMA public assistance dollars were accounted for and complied with Federal regulations. The system expedited reimbursements to State and local governments and resulted in over 99 percent of projects being obligated by FEMA. Considering the unprecedented magnitude of this disaster, this was truly a monumental task and one that had never before been undertaken.

As director of the Office of Recovery and Renewal, Bryan again put the right people and processes in place to manage the Federal assistance entrusted to the State of Mississippi. Thousands of homeowners have received direct financial assistance through the homeowners assistance grant program; programs and policies have been implemented which will result in the development of low income housing units in excess of what was available before the storm, and Katrina affected cities and counties have received the much needed Federal resources to rebuild and revitalize their communities.

Bryan has worked to ensure that every Federal taxpayer dollar entrusted to Mississippi has been and continues to be spent efficiently and appropriately. The State of Mississippi and this country owe Bryan a debt of gratitude for taking a leave of absence from his private sector career to serve our great State. As we know, public service can be a strain on our families both financially and emotionally. I want to thank Bryan's wife Michelle and his two children, Matt and Laura Beth, for their sacrifice and support while allowing Bryan to serve our State.

Bryan has reflected great credit on the State of Mississippi and I appreciate his service.●

#### 70TH ANNIVERSARY OF THE OMAHA STAR

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor the Omaha Star, the largest and oldest African-American newspaper in my home State of Nebraska. The Star is celebrating its 70th Anniversary this year.

The Omaha Star is currently distributed in 48 States, as the paper has become legendary for its civil rights work. Since its beginning, the Star has been a champion in the struggle for equal rights.

The Omaha Star was founded in 1938 by the late Mildred Brown, a remarkable person in her own right, who was also the aunt of the current publisher and editor, Dr. Marguerita L. Washington. Mrs. Brown's foresight and pioneering spirit in establishing the Star required not only a dedicated amount of time and effort, but also courage and vigilance. Her efforts paid off, as the paper continues to educate and advocate; and Mrs. Brown was posthumously inducted into the Nebraska Journalism Hall of Fame this past year.

In addition, the building housing the Omaha Star was listed on the National Register of Historic Places in January. Mrs. Brown allowed the Star to provide a home for the De Porres Club, an active civil rights organization within the North Omaha community. The Star also kept its readership apprised of the civil rights movement's successes and failures across the country by researching the issues and urging involvement.

The Omaha Star's mission states that it is "dedicated to the service of the people that no good cause shall lack a champion and that evil shall not go unopposed." My fellow Nebraskans and I take great pride in knowing that the Star has faithfully abided by this mission throughout its 70 years of existence, and we will continue to follow the Omaha Star on its spirited journey to provide a voice for civil rights and equality for all.●

#### TRIBUTE TO LTC JOHN LUCAS

● Mr. PRYOR. Mr. President, today, I wish to acknowledge the love and support LTC John Lucas's family has shown him during his 24 years of service in the U.S. Air Force. LTC John Lucas, an Arkansas native, will retire from the Air Force on August 1, 2008. Lieutenant Colonel Lucas attended the University of Arkansas, making me particularly proud because that is my alma mater, and his oldest son, John Lucas, is carrying on the tradition as a freshman at the university as well.

Lieutenant Colonel Lucas's wife, Coleen, wrote to me on the occasion of his retirement and asked that I write a note of thanks to their family and her

husband in an effort to recognize their sacrifice and support over the last 24 year. She writes:

While John served his country, his family and mine were both loving and supportive through times of crisis, war and peace. We had times of struggle but both of our families helped me and our children so that my husband could serve our country. Over the past 24 years, we have moved eight times, lived in 11 homes, uprooted the children from schools, moved them away from friends, and endured deployments. Through it all the one constant was family.

Our men and women in uniform have a tremendous responsibility to protect our Nation's freedoms and it is family support that helps them accomplish their mission. Sacrifice, selflessness and perseverance define the special role of a military family such as the Lucas family.

Today, I thank John C. Lucas and his family for their service to our Nation. Our country is blessed to have you John, Coleen, Kevin, Bryan and Andrea Lucas.●

#### RECOGNIZING DAVID STEVENS

● Mr. THUNE. Mr. President, today, I wish to recognize David Stevens, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

David is a graduate of O'Gorman High School in Sioux Falls, SD, and the University of South Dakota. In the fall he will attend the Sanford School of Medicine at the University of South Dakota. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to David for all of the fine work he has done and wish him continued success in the years to come.●

#### RECOGNIZING RENÉE LATTERELL

● Mr. THUNE. Mr. President, today, I wish to recognize Renée Latterell, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Renée is a graduate of Central High School in Aberdeen, SD, and of North Dakota State University, where she majored in Spanish and international studies. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Renée for all of the fine work she has done and wish her continued success in the years to come.●

#### RECOGNIZING SAM GRIFFIN

● Mr. THUNE. Mr. President, today I wish to recognize Sam Griffin, an intern in my Washington, DC, office, for all of the hard work he has done for

me, my staff, and the State of South Dakota over the past several months.

Sam is a graduate of Jefferson Senior High School in Alexandria, MN. Currently he is attending American University, where he is majoring in Political Science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Sam for all of the fine work he has done and wish him continued success in the years to come.●

#### RECOGNIZING JONATHAN ABDNOR

● Mr. THUNE. Mr. President, today I recognize Jonathan Abdnor, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Jonathan is a graduate of Prospect High School in Mount Prospect, IL. Currently he is attending the University of Illinois at Urbana-Champaign, where he is majoring in news editorial journalism. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jonathan for all of the fine work he has done and wish him continued success in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE  
ISSUANCE OF AN EXECUTIVE  
ORDER THAT TAKES ADDI-  
TIONAL STEPS WITH RESPECT  
TO THE NATIONAL EMERGENCY  
THAT WAS ORIGINALLY DE-  
CLARED IN EXECUTIVE ORDER  
13047 OF MAY 20, 1997—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order

(the "order") that takes additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, and expanded in Executive Order 13448 of October 18, 2007.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) (the "Act") and supplemented that Act with additional restrictions. On October 18, 2007, I determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested at the time in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warranted an expansion of the then-existing sanctions. Executive Order 13448, issued on that date, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in property of persons listed in the Annex to that Executive Order, and provided additional criteria for designations of certain other persons.

The order supplements the existing designation criteria set forth in Executive Order 13310, as incorporated in and expanded by Executive Order 13448. The order blocks the property and interest in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, directly or indirectly, the Government of Burma or an official or officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order; or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importa-

tion of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

The order authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.  
THE WHITE HOUSE, April 30, 2008.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 1:35 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The message further announces that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 340. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 493.

At 2:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2954. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 5715) to ensure continued avail-

ability of access to the Federal student loan program for students and families.

### ENROLLED BILL SIGNED

At 4:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2954. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

H.R. 5522. An act to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes.

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

H.R. 5522. An act to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 1, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2954. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6014. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children: Miscellaneous Vendor-Related Provisions" (RIN0584-AD36) received on April 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6015. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Transition Payment Program; Release of Records" (RIN0560-AH79) received on April 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6016. A communication from the Secretary of the Army, transmitting, pursuant to law, a letter detailing his determination that the Average Procurement Unit Cost metric for the Javelin Advanced Anti-Tank Missile has exceeded the significant cost growth threshold; to the Committee on Armed Services.

EC-6017. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Armed Services.

EC-6018. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Authority to Carry Out Certain Prototype Projects" (DFARS Case 2008-D008) received on April 29, 2008; to the Committee on Armed Services.

EC-6019. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Deletion of Obsolete Restriction on Acquisition of Vessel Propellers" (DFARS Case 2007-D027) received on April 29, 2008; to the Committee on Armed Services.

EC-6020. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Earned Value Management Systems" (DFARS Case 2005-D006) received on April 29, 2008; to the Committee on Armed Services.

EC-6021. A communication from the Assistant Secretary of Defense (Reserve Affairs),

transmitting, pursuant to law, the 2007 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC-6022. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6023. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6024. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-6025. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's activities during calendar year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6026. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 19161) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6027. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR Part 65) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6028. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Proposed Flood Elevation Determinations" (Docket No. FEMA-B-7771) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6029. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6030. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-B-7772) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6031. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Proposed Flood Elevation Determinations" (Docket No. FEMA-B-7773) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6032. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Annual Report for calendar year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6033. A communication from the Acting Administrator for Fisheries, National Marine Fisheries Service, Department of Com-

merce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife; Sea Turtle Conservation" (RIN0648-R84) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6034. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Approve the Georges Bank Cod Hook Sector's 2008 Operations Plan; Northeast Multispecies Fishery Management Plan" (RIN068-AW16) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6035. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures in the Main Hawaiian Islands" (RIN068-AU22) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6036. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Specifications and Management Measures for Atlantic Mackerel, Squid, Butterfish Fisheries" (RIN068-AV40) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6037. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual progress report entitled, "Report to Congress on the Fiscal Year 2007 Competitive Sourcing Efforts"; to the Committee on Commerce, Science, and Transportation.

EC-6038. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6039. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information" (RIN3150-AI08) received on April 29, 2008; to the Committee on Environment and Public Works.

EC-6040. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue—Section 965 Foreign Earnings Repatriation Directive No. 2" (LMSB-4-0408-021) received on April 29, 2008; to the Committee on Finance.

EC-6041. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Dividends Received Deduction on Separate Accounts of Life Insurance Companies Directive" (LMSB-04-0308-010) received on April 29, 2008; to the Committee on Finance.

EC-6042. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier II Issue—Interchange and Merchant Discount Fees Directive No. 1" (LMSB-04-0208-002) received

on April 29, 2008; to the Committee on Finance.

EC-6043. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules to Reduce Section 1446 Withholding" ((RIN1545-BD80)(TD 9394)) received on April 29, 2008; to the Committee on Finance.

EC-6044. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2007"; to the Committee on Finance.

EC-6045. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Arms Traffic in Arms Regulations: North Atlantic Treaty Organization" (22 CFR Part 123) received on April 29, 2008; to the Committee on Foreign Relations.

EC-6046. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's 2007 Buy American Act Report; to the Committee on Health, Education, Labor, and Pensions.

EC-6047. A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects for a Center on Post-Secondary Education for Students with Intellectual Disabilities—Notice of Final Priority and Definitions" (4000-01-U) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6048. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Default Investment Alternatives Under Participant Directed Individual Account Plans" (RIN1210-AB10) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6049. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6050. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to postmarket surveillance of medical devices used in pediatric populations; to the Committee on Health, Education, Labor, and Pensions.

EC-6051. A communication from the District of Columbia Auditor, transmitting a report entitled, "Audit of Child and Family Services Agency's Contracting and Quality Assurance Procedures"; to the Committee on Homeland Security and Governmental Affairs.

EC-6052. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Justice Programs for fiscal year 2006; to the Committee on the Judiciary.

EC-6053. A communication from the Federal Register Liaison Officer, Alcohol and

Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Swan Creek Viticultural Area" (RIN1513-AB20) received on April 29, 2008; to the Committee on the Judiciary.

EC-6054. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the District of Connecticut, received on April 29, 2008; to the Committee on the Judiciary.

EC-6055. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117-AA98) received on April 29, 2008; to the Committee on the Judiciary.

EC-6056. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards" (RIN3245-AF66) received on April 29, 2008; to the Committee on Small Business and Entrepreneurship.

EC-6057. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Notice and Assistance Requirements and Technical Correction" (RIN2900-AM17) received on April 29, 2008; to the Committee on Veterans' Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. TESTER, and Mr. LUGAR):

S. 2951. A bill to require reports on the progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2952. A bill to improve food safety through mandatory meat, meat product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself, Mr. WARNER, and Mr. INHOFE):

S. 2953. A bill to provide for the development and inventory of certain outer Continental Shelf resources, to suspend petroleum acquisition for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2954. A bill to amend Public Law 110-196 to provide for a temporary extension of progress authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008; considered and passed.

By Mr. WHITEHOUSE (for himself and Mr. SPECTER):

S. 2955. A bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA):

S. 2956. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN:

S. 2957. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. BUNNING, Mr. SESSIONS, Mrs. HUTCHISON, Mr. BOND, Mr. INHOFE, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BENNETT, Mr. WICKER, Mr. CHAMBLISS, Mr. STEVENS, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. THUNE, Mr. VOINOVICH, Mr. ALLARD, and Mr. MCCONNELL):

S. 2958. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Ms. KLOBUCHAR, Mr. TESTER, and Mr. HARKIN):

S. 2959. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on Rules and Administration.

By Mr. DODD:

S. 2960. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA:

S. 2961. A bill to amend title 38, United States Code, to enhance the refinancing of home loans by veterans; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2962. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in States with more cost-effective health care delivery systems; to the Committee on Finance.

By Mr. BOND (for himself, Mrs. BOXER, Mr. STEVENS, Mr. OBAMA, Mr. DOMENICI, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2963. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. DORGAN, Mr. LEVIN, Mr. CASEY, and Mr. SANDERS):

S. 2964. A bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries; to the Committee on Finance.



By Mrs. BOXER (for herself and Mr. LIEBERMAN):

S. 2965. A bill to require a report on the inclusion of severe and acute Post Traumatic Stress Disorder among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mrs. DOLE:

S. 2966. A bill to require the Secretary of the Army to implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. BENNETT, and Mr. REID):

S. 2967. A bill to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. 2968. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

By Mr. AKAKA:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mr. SANDERS):

S. Res. 544. A resolution designating May 5 through 9, 2008, as National Substitute Teacher Recognition Week; considered and agreed to.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 545. A resolution honoring the recipients of the El Dorado Promise scholarship; considered and agreed to.

By Mr. THUNE (for himself and Mr. WYDEN):

S. Res. 546. A resolution designating May 2008 as "National Physical Fitness and Sports Month" and the week of May 1 through May 7, as "National Physical Education and Sports Week"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. KENNEDY, and Mr. OBAMA):

S. Res. 547. A resolution designating the week of May 4 through May 10, 2008, as "North American Occupational Safety and Health Week" and May 7, 2008, as "Occupational Safety and Health Professionals Day"; considered and agreed to.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Mrs. MURRAY, Mr. WICKER, Mr. OBAMA, Mr. SMITH, Mr. BROWN, Mr. DURBIN, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. BAYH, Mr. CASEY, Mr. MENENDEZ, and Mr. LIEBERMAN):

S. Res. 548. A resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 717

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 796

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1415, a bill to amend the Public

Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2372

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2408

At the request of Mr. KERRY, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2561

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE)

was added as a cosponsor of S. 2561, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss, Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2672

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2723

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2772

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2772, a bill to amend title 10, United States Code, to provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes.

S. 2778

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2778, a bill to amend title 37, United States Code, to expand certain bonus and special pay authorities for members of the Armed Forces in order to

enhance the recruitment and retention of psychologists, social workers, mental health nurses, and other mental health professionals in the Armed Forces, and for other purposes.

S. 2782

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2782, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit on crude oil and transfer the proceeds of the tax to the Highway Trust Fund, and for other purposes.

S. 2818

At the request of Mr. ENZI, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2863

At the request of Mr. VITTER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2863, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2880

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2880, a bill to provide that funds made available for reconstruction assistance for Iraq may be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis, and for other purposes.

S. 2931

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from

the Medicare competitive acquisition program.

S. 2938

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 483

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 483, a resolution recognizing the first weekend of May 2008 as "Ten Commandments Weekend".

S. RES. 543

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 543, a resolution designating the week beginning May 11, 2008, as "National Nursing Home Week".

AMENDMENT NO. 4580

At the request of Mr. WYDEN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 4580 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4586

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4586 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4589

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr.

NELSON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 4589 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## AMENDMENT NO. 4615

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4615 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## AMENDMENT NO. 4616

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4616 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## AMENDMENT NO. 4618

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 4618 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## AMENDMENT NO. 4621

At the request of Mr. ISAKSON, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4621 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. WARNER, and Mr. INHOFE):

S. 2953. A bill to provide for the development and inventory of certain outer Continental Shelf resources, to

suspend petroleum acquisition for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, during consideration of the reauthorization of the FAA, a great deal of conversation has gone on on this floor about energy and the cost of energy. It is appropriate that we talk about it at a time when our airlines are struggling and we are attempting to reauthorize FAA. Part of the reason our airlines are struggling is the unprecedented aviation fuel prices. It is only one of the many reasons they are having difficulty today, but clearly the doubling of their costs are putting at risk their corporate structure and their ability to serve an American public.

But it is not just the airlines that are at risk. Every American consumer and every business is finding the tremendous increase in the cost of energy a significant problem. For example, just a few minutes ago, my BlackBerry buzzed. My wife Suzanne is out in Boise, ID. I got an e-mail about the temperature, which is 31 degrees in Boise this morning. At the bottom of the e-mail, she said regular gas just hit \$3.53 a gallon. That is a lot of money. Now, that is not as much as others are paying across our Nation, but when an Idahoan fills their tank and they go from community to community, oftentimes they drive hundreds of miles—not just a few miles but literally hundreds of miles. Idaho is a great big Western State. Our distance is oftentimes a significant part of our commerce and our ability to conduct economic activity, and fuel prices have always been significant and important.

Idaho is also a large agricultural State. The cost of the production of foods today has gone up dramatically because of the cost of diesel, if you will, the cost of fertilizer, and all of those components that go into the production of food and the transporting of the food.

Part of the reason food is going up on the retail shelf of the supermarket today is the cost of getting it there, let alone the cost of producing and refining it. Many truckers are saying that just to fill up their truck now can be as much as \$1,000. They are not able to change their freight rates to adjust as quickly to the high cost of energy, and they simply have to—this is the term—“eat it.” Well, they cannot afford to eat it. Oftentimes, those trucks are simply turning off their motors and sitting idle.

So the impact of energy costs on our economy can be dramatic. I came to the floor yesterday to talk about it and to say that, in large part, the American consumer, in their frustration, is saying: Whom do we blame? I don't think they have to look any further than the U.S. Congress and the failure of this Congress—the House and Senate—over the last 20 years to do the things that were necessary to continue production, to ensure refinery capac-

ity, to ensure exploration and the development of reserves, while we were doing all of the other things in conservation, in CAFE standards, assuring that we had a new form of transportation energy. But, no, we have failed to do the right things, and as a result of that, the American consumer is, in fact, paying a great deal for our failure.

What do we do to change that? Instead of just wringing our hands, there are all kinds of ideas out there about changing it.

Some would suggest that you just tax the big oil companies; if you just tax those big oil companies and put that money somewhere else, that will solve the problem. There is an old adage in economics that is quite simple: You usually get less of that which you tax. In other words, the higher you tax something, the less you are going to get from it. Do you want to, by taxation, nationalize America's independent oil companies? Is that a way to get production and more oil and gas at the pump? Remember, there are not any gas lines out there today. There aren't the kinds of lines we saw in the 1970s during the last energy crisis. There is supply. It is the cost of supply that we are frustrated about and the impact that cost is having on our economy.

Here is one of the problems we have. I talked about a Congress that failed, a public policy that failed, a policy that failed to continue to produce as demand went dramatically up—not just in this country but around the world.

The blue line on this chart is the supply line. As you can see, in the 1990s it peaked and it began to drop. That is, of course, U.S. production versus U.S. consumption. In other words, as a nation we began to produce less and less crude oil into our refineries.

Today, we are near 60 percent dependent upon other sources of energy, from outside our country, to come into our refineries and to go out of the gas pump to the consumer. In fact, you can see that the red line—demand—has gone up dramatically as our economy continued to grow over the years, as more people were driving cars, and as more cars consumed more gas.

The only way you are going to keep price down is when the supply line and the demand line are somewhat in concert, somewhat tracking each other. That simply stopped in the 1950s, as we began to grow increasingly dependent upon foreign nations.

We passed the Energy Policy Act of 2005, but it wasn't really directed at transportation fuels. Last year, we added to that and we began to address transportation fuels. We brought ethanol into the market by subsidizing that and allowing our farmers, and those who take corn from them, to produce ethanol to become increasingly effective in the market. That is working to some degree. In fact, it is estimated today that 20 cents would be put on the price of gas at the pump if

it wasn't for national and rural ethanol production. Now, it has caused other problems. Some would argue that it has caused problems in the food chain, and it probably has. I think the marketplace will work that out. So there are things we have been doing.

But I think, most importantly, it is the things we have not done. It is the failure of our country to recognize the increased dependency we were developing from other countries around the world. I think that has become one of our greater frustrations. While you have some on the campaign trail today talking about taxing the big oil companies, the big oil companies don't own the oil. It is the cartels. It is the nations. It is not oil companies, it is oil countries that we have to worry about today.

I didn't coin the phrase, but I use the phrase quite often, "petro-nationalism." If I am a country and I am small but I am sitting on a pool of oil, I become rich overnight. The reason I become rich overnight is because Americans will come and buy my oil. If I want to form a cartel and I want to control the supply of that oil, then they will pay even more for it because Americans quit producing for themselves.

Here is a statistic that I find fascinating, and some have said that if we don't stop this in the near future, we will spend our Nation into poverty as we spend all of this money on oil. We are now spending well over \$1 billion a day outside our country to buy oil. That is a phenomenal figure. Our neighbors to the north, we send them \$280 million a day; to Saudi Arabia, we send \$190 million a day; to Venezuela and Dictator Chavez, we send \$160 million; to Nigeria, we send \$140 million; to Algeria, we send \$70 million. Do Venezuela and Nigeria and Algeria have our best interests in mind? I don't believe so. They have their own interests in mind. We are literally making them wealthy because we are buying their oil.

Many of us talk about energy independence, and last year when we passed that legislation I was talking about, the Energy Independence and Security Act of 2007, we did some very good things in it. As I said, we looked at increasing production by conservation, by CAFE standards, and by renewable fuels standards. We said to the automobile industry: You have to design cars that burn less, and in doing that, we will improve our overall position on dependency by dropping it significantly by 2030. But it takes a long time to redesign a car, make it efficient, produce it, and then sell it into the market.

Those are the realities of a problem where you cannot just fix this tomorrow. We cannot just change the price of gas at the pump tomorrow because we cannot fix the underlying problems instantly. But as I said earlier, if Congress is at fault, the problem in this, then Congress ought to be doing more

about it. And it is not just wringing your hands and wanting to tax. It is doing things that get us back into production while we learn to conserve, while we have cleaner automobiles, while we look at alternative fuel sources, while we get more hybrid cars and electric plug-in cars in the market. That is all coming, but that is 10 years, 15 years, and 20 years out.

What do we do in the interim? I believe there is something we can do, and we ought to do. In America today and in our territorial waters we are sitting still on a lot of oil, a dramatic amount of oil. Some would argue under old U.S. Geological Survey analysis that we are sitting on at least 100 billion barrels of oil. If we are sitting on it, why aren't we using it? Once again, the politics of Congress and the politics of States enter into the debate.

A couple of years ago, I began to talk about an issue I called the no zone. What was I talking about at the time? I was talking about that area of the United States and Outer Continental Shelf of waters that we knew had large volumes of oil. But California said no. We said no in Alaska. We have said no off the east coast. We have said no around Florida. Because we have said no, the American consumer today is paying the highest price for gasoline ever. That is a fact. It is a simple reality. Our dependency on foreign nations grew. As I just expressed, over 60 percent of our oil is coming from outside the continental United States when we know there is a significant amount of oil outside the continent.

When I introduced this chart a couple of years ago and I began to talk about the no zone and there were a few folks wringing their hands, we went to work. We went to work and we looked at oil sales in the gulf and the development in the Outer Continental Shelf in the deep waters of the Gulf of Mexico.

Thanks to our effort, we did something. The American consumer needs to know we went into lease sale 181 off the coast of Florida. We looked at and found a tremendous amount of capability there and we began to develop it and we are developing it today. We have allowed other lease sales to occur. That is tremendously important. We are beginning to tap some of that oil supply that we know is out there and about which we ought to be doing more. That is what I think is important, and that is on what I think we ought to be focused.

To sit and wring our hands and tell the American people there is nothing we can do, and all we are going to do is go out and tax and tax, which will not produce—we ought to be talking about production. The legislation I have introduced today talks about production. It talks about production in a positive way.

I mentioned a few moments ago the action we took last year in lease sale 181. We were successful in bringing Florida along in their cooperation and understanding, which was phenomenally important.

We know there are millions of barrels of oil and trillions of cubic feet of gas out there. What is most significant about oil development in this region is that the infrastructure is in place. What do I mean? Refineries, pipelines, capacity. We don't have to wait 5, 6, and 7 years just to build the infrastructure. It is there, and the oil is under it. That is why we did lease sale 181. But there is a lot more we can and should do. That is why the legislation I have introduced today does just that. It doesn't start drilling, but it says a couple of things that are quite simple.

As we have heard others talk about the fact we are putting money into the Strategic Petroleum Reserve at this time, we are buying oil off the market and putting it underground in the salt domes in the South for a time of necessity, I suggest we stop doing that for the time being, and I suggest we take that money we are using for those purposes and we modernize our inventory of our known reserves, our unknown reserves, and our capacity because the true SPR—SPR means Strategic Petroleum Reserve—the greatest reserve in the world is to know what we have, where it is, and how we can access it. That is one of the most important things we can do for the consumers of America today.

I know it frustrated some of my Floridian friends when I talked about our inability because of policy to allow our companies to go in to the northern area off Cuba and drill because Cuba was allowing other countries to come in and develop. Just 90 miles—45 miles until you hit the zone—90 miles off our coast on the extreme of the Florida Keys there are foreign nations drilling oil today. India is there, and India has now discovered oil. China is there, and China has now discovered oil. We are not there today because our policy is 45 years old and still says: No, no, Americans cannot get involved with Cuba, even though we believe Cuba has phenomenal potential oil reserves. Shame on us.

America, listen up: It is Government policy today in large part that has caused you the pain at the pump, and it is very important that Government act today to reduce that pain.

The legislation I am offering would create an inventory that would do just that. It would allow us to know what our reserves are.

We have moratoriums off the coast of Florida, and yet we know there are huge oil reserves out there. Why are we not doing something about it? Well, it is local politics. It is national politics. It is green politics. It is politics. That is why we have the price of oil we have today, nothing more and nothing less but politics, and our economy is growing more fragile by the moment because of it.

Is it demagogic to say that? I don't think so. I don't think so at all. I pulled out the sign, the no zone. The no is a result of politics, whether it is the politics of the State of Florida or the

politics of the State of California or whether it is the national politics of this Senate that will not allow for us to drill for the reserves in what is known as ANWR, the Alaskan national wildlife area, where we know there is phenomenal abundance.

It was all done, all of this no, this political no was all done in the name of the environment. There was some reason at the time these old ideas were put in place. We had the oil spills off the coast of Santa Barbara, and as a result of that, Americans were concerned. So California said no more drilling there, and then we followed up.

A few years ago, we had a great national tragedy in the gulf area of our country. That tragedy was called Katrina. She came rolling up and through the gulf. We know what she did in New Orleans. She did something else nobody wants to talk about today. She knocked offline hundreds of oil wells that were producing out in the gulf—knocked them off. She even set some of the drilling rigs adrift. But not a drop of oil was spilled. Why? Because modern technology today and American know-how and a concern for protecting our environment has produced one of the cleanest deepwater oil drilling industries in the world. We are producing in this area of the gulf off the coast of Texas, off the coast of Louisiana, off the coast of Mississippi, and with 181, we just brought into or soon will be bringing into production off the coast of Alabama. Why not off the coast of Florida? Why not off the coast of California? Why not off the coast of the Carolinas, Virginia, and on up where we believe there is significant gas and oil reserves?

It is old politics of the past that is caught in the ghosts of Santa Barbara of decades ago. Yet our technology today will take us there, but our politics will not take us there. That is why I have introduced the legislation I have. The least we can do is inventory with modern technology to know where our oil is.

I notice the president of Shell said in a press release the other day: If Americans sent a message to the world that we were going to start drilling our own reserves and bringing them into production, the price of gas at the pump would drop dramatically, 25 or 30 cents a gallon or more. That is significant stuff, both short term and long term, to the economy of this country.

I say to my colleagues, I say to our country, and I say to our consumers: Is it a time to act? You bet it is a time to act. While some suggest we tax the big boys out of existence, we do not produce anything by doing that, while we can create all kinds of other structures. Do we produce more, do we build refinery capacity, and do we assure the American public while we are transitioning into hybrid cars and electric cars and hydrogen cars and all of those kinds of activities that we support and are doing research and development on today that they will still

have an abundant supply of energy? That is our job. That is the job we failed in doing over the last good number of years, and that is the job we ought to stop and start over and do it right and reward the States that are the boundary States to the production of the Outer Continental Shelf.

We have huge oil reserves in this country, and yet we are letting the rest of the world have our wealth. Why not keep our wealth in this country by the development of these reserves?

The first step is the legislation I have introduced today. Let's at least in the next few years do the inventory, the modern, sophisticated seismographic inventory that USGS can do to let us know how much is out there because what we know today is simply old stuff. Those efforts were done years ago. Already out at the edge of this green line in the deepest waters in the gulf under the newest drilling technologies, we are finding phenomenal oil that just a few years ago we did not even know we could get to. We are getting to it. We are producing it. It is clean, and it is environmentally sound. We ought to be doing that everywhere else.

I have joined my colleague from Louisiana who just came to the floor, who introduced legislation that says when oil gets to \$125 a barrel, we ought to give the States the option to allow the development of the Outer Continental Shelf off their State. You darn bet we ought to, and those States ought to be rewarded for it.

There is so much this country can continue to do instead of standing still and wringing our hands and trying to blame somebody else for our failure over the last 20 years to continue to allow this great country to produce for its consumers.

Mr. WARNER. Mr. President, will the Senator yield for 10 seconds?

Mr. CRAIG. I will be happy to yield to the senior Senator from Virginia.

Mr. WARNER. Mr. President, I commend him for this initiative, but I hope he says "oil and gas" because off the east coast there is an abundance of gas, as shown by the previous studies. As he says, they have to be brought up to date. Do let us invoke gas because along the beaches—and I, as the Senator knows, twice tried to get legislation through, and a collection of Senators—and I say this in a lighthearted way; I call them the beach boys—will not permit this for fear that pollution could emanate from the drilling process onto their beaches.

I suggest let's start with gas. There would not be any potential for the erosion of beaches as a consequence of an accidental spill. I do hope the Senator puts in the word "gas."

Mr. CRAIG. Mr. President, I thank the senior Senator from Virginia. He is absolutely right. When I think oil, I think gas because, obviously, in lease sale 181 and in other areas where there is gas, there is oftentimes oil, and oftentimes where there is gas, there is no

oil. We believe that to be the case off the coast of Virginia.

The Senator from Virginia has been a leader, without doubt, in that very kind of effort to allow at least the seismographic effort, the exploration that would determine for us the kinds of reserves we have and may have for the future.

I thank the Senator from Virginia for his leadership in this area.

Mr. WARNER. Mr. President, I thank my good friend from Idaho. I also emphasize that the technology to do it safely and not be the victim of a disruption by Mother Nature is there.

Mr. CRAIG. Without question it is there today, and we know that. We are the leaders of clean drilling in deep water for the world, no question.

Mr. WARNER. I thank the Senator. I wish him well. He has my support.

Mr. NELSON of Florida. Mr. President, will the Senator further yield?

Mr. CRAIG. I will be happy to yield to the Senator from Florida.

Mr. NELSON of Florida. Would the Senator mind putting up his map with the State of Florida on it?

Mr. CRAIG. I am more than happy to.

Mr. NELSON of Florida. Would the Senator recognize that the area in yellow there on the west coast of Florida that he indicates for future drilling—would he recognize almost that entire area is the largest testing and training area for the U.S. military in the world? The military is on record at all levels, of all generals and admirals, that drilling should not be done in that area to compromise our training and testing mission for the U.S. military.

Mr. CRAIG. I do recognize that. I do appreciate what our military has said.

I also understand a few years ago we took offline a naval training area in Vieques. Why? It was no longer a popular thing to do.

If there is oil under this area—and we believe there is—and it is a training area, why couldn't we train here? Or why couldn't we train over here? The reality is, what is at this time more valuable?

It is very easy to say don't do it. Or is it possible to say can we do both? There are a good many experts and professionals in the field who said that. We can have a military training area, and guess what we also can do. We can pull the oil out from under. How do you do it? Quite simply. You put a location, a location and you slant drill thousands of feet and you do not have to pepper the area with all kinds of drilling rigs.

Today's technology is amazing. It is politically comfortable, I appreciate that, and I understand the State's politics and I do not deny that—but this is not the oil of the State of Florida. This is the oil of the citizens of our country. It is the politics of Florida today that deny us the oil, not the politics of America. So it is a simple question: Should we inventory it? Should we know what it is? And should we, under modern technology, reward the State of Florida for the potential benefit?

It is ironic we did not move at all to stop drilling 45 miles off the Florida coast. We could even take a 45-mile zone here, or more, consistent with what is going on in Florida today and still protect this.

But the Senator is right. It is a military area. Guess what. I am kind of a modern guy. I believe in technology taking us where we can go and having the best of both worlds. But right now the American consumer has the worst of the world we have created for them—a scarcity of a supply that is driving costs and impacting our economy in a significant way.

I suggest the legislation I have introduced, while it will not impact the State of Florida, will give us a base and an understanding and knowledge of what we have as a reserve. We are spending millions of dollars a day to buy oil and put it in the ground when, in fact, we ought to spend a few million dollars and find out about all the oil we already have.

By Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA):

S. 2956. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am introducing today, with my colleagues Senator COLEMAN and Senator OBAMA, the Incorporation Transparency and Law Enforcement Assistance Act. This bill tackles a longstanding homeland security problem involving inadequate State incorporation practices that leave this country unnecessarily vulnerable to terrorists, criminals, and other wrongdoers, hinder law enforcement, and damage the international stature of the U.S.

The problem is straightforward. Each year, the States allow persons to form nearly 2 million corporations and limited liability companies in this country without knowing—or even asking—who the beneficial owners are behind those corporations. Right now, a person forming a U.S. corporation or limited liability company, LLC, provides less information to the State than is required to open a bank account or obtain a driver's license. Instead, States routinely permit persons to form corporations and LLCs under State laws without disclosing the names of any of the people who will control or benefit from them.

It is a fact that criminals are exploiting this weakness in our State incorporation practices. They are forming new U.S. corporations and LLCs, and using these entities to commit crimes ranging from terrorism to drug trafficking,

money laundering, tax evasion, financial fraud, and corruption. Law enforcement authorities investigating these crimes have complained loudly for years about the lack of beneficial ownership information.

Last year, for example, the U.S. Department of the Treasury sent a letter to the States stating: “the lack of transparency with respect to the individuals who control privately held for-profit legal entities created in the U.S. continues to represent a substantial vulnerability in the U.S. anti-money laundering/counter terrorist financing, AML/CFT, regime. . . . [T]he use of U.S. companies to mask the identity of criminals presents an ongoing and substantial problem . . . for U.S. and global law enforcement authorities.”

Last month, Secretary Michael Chertoff, head of the U.S. Department of Homeland Security, wrote the following: “In countless investigations, where the criminal targets utilize shell corporations, the lack of law enforcement's ability to gain access to true beneficial ownership information slows, confuses or impedes the efforts by investigators to follow criminal proceeds. This is the case in financial fraud, terrorist financing and money laundering investigations. . . . It is imperative that States maintain beneficial ownership information while the company is active and to have a set time frame for preserving those records. . . . Shell companies can be sold and resold to several beneficial owners in the course of a year or less. . . . By maintaining records not only of the initial beneficial ownership but of the subsequent beneficial owners, States will provide law enforcement the tools necessary to clearly identify the individuals who utilized the company at any given period of time.”

These types of complaints by U.S. law enforcement, their pleas for assistance, and their warnings about the dangers of anonymous U.S. corporations operating here and abroad are catalogued in a stack of reports and hearing testimony from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and others.

To add insult to injury, our law enforcement officials have too often had to stand silent when asked by their counterparts in other countries for information about who owns a U.S. corporation committing crimes in their jurisdictions. The reality is that the United States is as bad as any offshore jurisdiction when it comes to responding to those requests—we can't answer them because we don't have the information.

In 2006, the leading international anti-money laundering body in the world, the Financial Action Task Force on Money Laundering—known as FATF—issued a report criticizing the U.S. for its failure to comply with a FATF standard requiring countries to

obtain beneficial ownership information for the corporations formed under their laws. This standard is one of 40 FATF standards that this country has publicly committed itself to implementing as part of its efforts to promote strong anti-money laundering laws around the world.

FATF gave the U.S. 2 years, until July 2008, to make progress toward coming into compliance with the FATF standard on beneficial ownership information. That deadline is right around the corner, but we have yet to make any real progress. That is another reason why we are introducing this bill today. Enacting the bill would bring the U.S. into compliance with the FATF standard by requiring the States to obtain beneficial ownership information for the corporations formed under their laws. It would ensure that the U.S. met its international commitment to comply with FATF anti-money laundering standards.

The bill being introduced today is the product of years of work by the U.S. Senate Permanent Subcommittee on Investigations, on which I, Senator COLEMAN, and Senator OBAMA serve together. As long ago as 2000, the Government Accountability Office, GAO, at my request, conducted an investigation and released a report entitled, *Suspicious Banking Activities: Possible Money Laundering by U.S. Corporations Formed for Russian Entities*. This report revealed that one person was able to set up more than 2,000 Delaware shell corporations and, without disclosing the identity of the beneficial owners, open U.S. bank accounts for those corporations, which then collectively moved about \$1.4 billion through the accounts. It is one of the earliest Government reports to give some sense of the law enforcement problems caused by U.S. corporations with unknown owners. It sounded the alarm sounded 8 years ago, but to little effect.

In April 2006, in response to a Levin-Coleman request, GAO released a report entitled, *Company Formations: Minimal Ownership Information Is Collected and Available*, which reviewed the corporate formation laws in all 50 States. GAO disclosed that the vast majority of the States don't collect any information at all on the beneficial owners of the corporations and LLCs formed under their laws. The report also found that many States have established automated procedures that allow a person to form a new corporation or LLC within the State within 24 hours of filing an online application without any prior review of that application by a State official. In exchange for a substantial fee, two States will even form a corporation or LLC within one hour of a request. After examining these State incorporation practices, the GAO report described the problems that the lack of beneficial ownership information has caused for a range of law enforcement investigations.

In November 2006, our Subcommittee held a hearing further exploring this



issue. At that hearing, representatives of the U.S. Department of Justice, DOJ, the Internal Revenue Service, and the Department of Treasury's Financial Crimes Enforcement Network, FinCEN, testified that the failure of States to collect adequate information on the beneficial owners of the legal entities they form has impeded Federal efforts to investigate and prosecute criminal acts such as terrorism, money laundering, securities fraud, and tax evasion. At the hearing, DOJ testified: "We had allegations of corrupt foreign officials using these [U.S.] shell accounts to launder money, but were unable—due to lack of identifying information in the corporate records—to fully investigate this area." The IRS testified: "Within our own borders, the laws of some states regarding the formation of legal entities have significant transparency gaps which may even rival the secrecy afforded in the most attractive tax havens." FinCEN identified 768 incidents of suspicious international wire transfer activity involving U.S. shell companies.

In addition, last year, when listing the "Dirty Dozen" tax scams for 2007, the IRS highlighted shell companies with unknown owners as number four on the list, as follows:

"4. Disguised Corporate Ownership: Domestic shell corporations and other entities are being formed and operated in certain states for the purpose of disguising the ownership of the business or financial activity. Once formed, these anonymous entities can be, and are being, used to facilitate under-reporting of income, non-filing of tax returns, listed transactions, money laundering, financial crimes and possibly terrorist financing. The IRS is working with state authorities to identify these entities and to bring their owners into compliance."

That is not all. Dozens of Internet websites advertising corporate formation services highlight the fact that some of our States allow corporations to be formed under their laws without asking for the identity of the beneficial owners. These websites explicitly point to anonymous ownership as a reason to incorporate within the U.S., and often list certain States alongside notorious offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation for wrongdoers to form entities within the U.S.

One website, for example, set up by an international incorporation firm, advocates setting up companies in Delaware by saying: "DELAWARE—An Offshore Tax Haven for Non US Residents." It cites as one of Delaware's advantages that: "Owners' names are not disclosed to the state." Another website, from a U.K. firm called "formacompany-offshore.com," lists the advantages to incorporating in Nevada. Those advantages include: "No I.R.S. Information Sharing Agreement" and "Stockholders are not on Public Record allowing complete anonymity."

Despite this type of advertising, years of law enforcement complaints,

and mounting evidence of abuse, many of our States are reluctant to admit there is a problem with establishing U.S. corporations and LLCs with unknown owners. Too many of our States are eager to explain how quick and easy it is to set up corporations within their borders, without acknowledging that those same quick and easy procedures enable wrongdoers to utilize U.S. corporations in a variety of crimes and tax dodges both here and abroad.

Since 2006, the Subcommittee has worked with the States to encourage them to recognize the homeland security problem they've created and to come up with their own solution. After the Subcommittee's hearing on this issue, for example, the National Association of Secretaries of State, NASS, convened a 2007 task force to examine State incorporation practices. At the request of NASS and several States, I delayed introducing legislation while they worked on a proposal to require the collection of beneficial ownership information. My Subcommittee staff participated in multiple conferences, telephone calls, and meetings; suggested key principles; and provided comments to the Task Force.

In July 2007, the NASS task force issued a proposal. Rather than cure the problem, however, the proposal was full of deficiencies, leading the Treasury Department to state in a letter that the NASS proposal "falls short" and "does not fully address the problem of legal entities masking the identity of criminals."

Among other shortcomings, the NASS proposal does not require States to obtain the names of the natural individuals who would be the beneficial owners of a U.S. corporation or LLC. Instead, it would allow States to obtain a list of a company's "owners of record" who can be, and often are, offshore corporations or trusts. The NASS proposal also doesn't require the States themselves to maintain the beneficial ownership information, or to supply it to law enforcement upon receipt of a subpoena or summons. The proposal also fails to require the beneficial ownership information to be updated over time. These and other flaws in the proposal have been identified by the Treasury Department, the Department of Justice, myself, and others, but NASS has given no indication that the flaws will be corrected.

It is deeply disappointing that the States, despite the passage of more than one year, have been unable to devise an effective proposal. Part of the difficulty is that the States have a wide range of practices, differ on the extent to which they rely on incorporation fees as a major source of revenue, and differ on the extent to which they attract non-U.S. persons as incorporators. In addition, the States are competing against each other to attract persons who want to set up U.S. corporations, and that competition creates pressure for each individual State to favor procedures that allow quick

and easy incorporations. It is a classic case of competition causing a race to the bottom, making it difficult for any one State to do the right thing and request the names of the beneficial owners.

That is why we are introducing Federal legislation today. Federal legislation is needed to level the playing field among the States, set minimum standards for obtaining beneficial ownership information, put an end to the practice of States forming millions of legal entities each year without knowing who is behind them, and bring the U.S. into compliance with its international commitments.

The bill's provisions would require the States to obtain a list of the beneficial owners of each corporation or LLC formed under their laws, to maintain this information for 5 years after the corporation is terminated, and to provide the information to law enforcement upon receipt of a subpoena or summons. If enacted, this bill would ensure, for the first time, that law enforcement seeking beneficial ownership information from a State about one of its corporations or LLCs would not be turned away empty-handed.

The bill would also require corporations and LLCs to update their beneficial ownership information in an annual filing with the State of incorporation. If a State did not require an annual filing, the information would have to be updated each time the beneficial ownership changed.

In the special case of U.S. corporations formed by non-U.S. persons, the bill would go farther. Following the lead of the Patriot Act which imposed additional due diligence requirements on certain financial accounts opened by non-U.S. persons, our bill would require additional due diligence for corporations beneficially owned by non-U.S. persons. This added due diligence would have to be performed—not by the States—but by the persons seeking to establish the corporations. These incorporators would have to file with the State a written certification from a corporate formation agent residing within the State attesting to the fact that the agent had verified the identity of the non-U.S. beneficial owners of the corporation by obtaining their names, addresses, and passport photographs. The formation agent would be required to retain this information for a specified period of time and produce it upon request.

The bill would not require the States to verify the ownership information provided to them by a formation agent, corporation, LLC, or other person filing an incorporation application. Instead, the bill would establish Federal civil and criminal penalties for anyone who knowingly provided a State with false beneficial ownership information or intentionally failed to provide the State with the information requested.

The bill would also exempt certain corporations from the disclosure obligation. For example, it would exempt

all publicly-traded corporations and the entities they form, since these corporations are already overseen by the Security and Exchange Commission SEC. It would also allow the States, with the written concurrence of the Homeland Security Secretary and the U.S. Attorney General, to identify certain corporations, either individually or as a class, that would not have to list their beneficial owners, if requiring such ownership information would not serve the public interest or assist law enforcement in their investigations. These exemptions are expected to be narrowly drafted and rarely granted, but are intended to provide the States and Federal law enforcement added flexibility to fine-tune the disclosure obligation and focus it where it is most needed to stop crime, tax evasion, and other wrongdoing.

Another area of flexibility in the bill involves privacy issues. The bill deliberately does not take a position on the issue of whether the States should make the beneficial ownership information they receive available to the public. Instead, the bill leaves it entirely up to the States to decide whether and under what circumstances to make beneficial ownership information available to the public. The bill explicitly permits the States to place restrictions on providing beneficial ownership information to persons other than government officials. The bill focuses instead only on ensuring that law enforcement and Congress, when equipped with a subpoena or summons, are given ready access to the beneficial ownership information collected by the States.

To ensure that the States have the funds needed to meet the new beneficial ownership information requirements, the bill makes it clear that States can use their DHS State grant funds for this purpose. Every State is guaranteed a minimum amount of DHS grant funds every year and may receive funds substantially above that minimum. Every State will be able to use all or a portion of these funds to modify their incorporation practices to meet the requirements in the Act. The bill also authorizes DHS to use appropriated funds to carry out its responsibilities under the Act. These provisions will ensure that the States have the funds needed for the modest compliance costs involved with amending their incorporation forms to request the names of beneficial owners.

It is common for bills establishing Federal standards to seek to ensure State action by making some Federal funding dependent upon a State's meeting the specified standards. This bill, however, states explicitly that nothing in the bill authorizes DHS to withhold funds from a State for failing to modify its incorporation practices to meet the beneficial ownership information requirements in the Act. Instead, the bill simply calls for a GAO report in 2012 to identify which States, if any, have failed to strengthen their incorpora-

tion practices as required by the Act. After getting this status report, a future Congress can decide what steps to take, including whether to reduce any DHS funding going to the noncompliant States.

Finally, the bill would require the U.S. Department of the Treasury to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or LLCs for criminals or other wrongdoers. GAO would also be asked to conduct a study of existing State formation procedures for partnerships and trusts.

We have worked hard to craft a bill that would address, in a fair and reasonable way, the homeland security problem created by States allowing the formation of millions of U.S. corporations and LLCs with unknown owners. What the bill comes down to is a simple requirement that States change their incorporation applications to add a question requesting the names and addresses of the prospective beneficial owners. That is not too much to ask to protect this country and the international community from U.S. corporations engaged in wrongdoing and to help law enforcement track down the wrongdoers.

For those who say that, if the United States tightens its incorporation rules, new companies will be formed elsewhere, it is appropriate to ask exactly where they will go? Every country in the European Union is already required to get beneficial information for the corporations formed under their laws. Most offshore jurisdictions already request this information as well, including the Bahamas, Cayman Islands, Jersey, and the Island of Man. Our States should be asking for the same ownership information, but they don't, and there is no indication that they will any time in the near future, unless required to do so.

I wish Federal legislation weren't necessary. I wish the States could solve this homeland security problem on their own, but ongoing competitive pressures make it unlikely that the States will reach agreement. We have waited more than a year already with no real progress to show for it, despite repeated pleas from law enforcement.

Federal legislation is necessary to reduce the vulnerability of the United States to wrongdoing by U.S. corporations with unknown owners, to protect interstate and international commerce from criminals misusing U.S. corporations, to strengthen the ability of law enforcement to investigate suspect U.S. corporations, to level the playing field among the States, and to bring the U.S. into compliance with its international anti-money laundering obligations.

There is also an issue of consistency. For years, I have been fighting offshore corporate secrecy laws and practices that enable wrongdoers to secretly control offshore corporations involved in money laundering, tax evasion, and

other misconduct. I have pointed out on more than one occasion that corporations were not created to hide ownership, but to shield owners from personal liability for corporate acts. Unfortunately, today, the corporate form has too often been corrupted into serving those wishing to conceal their identities and commit crimes or dodge taxes without alerting authorities. It is past time to stop this misuse of the corporate form. But if we want to stop inappropriate corporate secrecy offshore, we need to stop it here at home as well.

For these reasons, I urge my colleagues to support this legislation and put an end to incorporation practices that promote corporate secrecy and render the United States and other countries vulnerable to abuse by U.S. corporations with unknown owners.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

S. 2956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Incorporation Transparency and Law Enforcement Assistance Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Nearly 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year.

(2) Very few States obtain meaningful information about the beneficial owners of the corporations and limited liability companies formed under their laws.

(3) A person forming a corporation or limited liability company within the United States typically provides less information to the State of incorporation than is needed to obtain a bank account or driver's license and typically does not name a single beneficial owner.

(4) Criminals have exploited the weaknesses in State formation procedures to conceal their identities when forming corporations or limited liability companies in the United States, and have then used the newly created entities to commit crimes affecting interstate and international commerce such as terrorism, drug trafficking, money laundering, tax evasion, securities fraud, financial fraud, and acts of foreign corruption.

(5) Law enforcement efforts to investigate corporations and limited liability companies suspected of committing crimes have been impeded by the lack of available beneficial ownership information, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and the Government Accountability Office, and others.

(6) In July 2006, a leading international anti-money laundering organization, the Financial Action Task Force on Money Laundering (in this section referred to as the "FATF"), of which the United States is a member, issued a report that criticizes the United States for failing to comply with a FATF standard on the need to collect beneficial ownership information and urged the

United States to correct this deficiency by July 2008.

(7) In response to the FATF report, the United States has repeatedly urged the States to strengthen their incorporation practices by obtaining beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

(8) Many States have established automated procedures that allow a person to form a new corporation or limited liability company within the State within 24 hours of filing an online application, without any prior review of the application by a State official. In exchange for a substantial fee, 2 States will form a corporation within 1 hour of a request.

(9) Dozens of Internet websites highlight the anonymity of beneficial owners allowed under the incorporation practices of some States, point to those practices as a reason to incorporate in those States, and list those States together with offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation to criminals and other wrongdoers to form entities within the United States.

(10) In contrast to practices in the United States, all countries in the European Union are required to identify the beneficial owners of the corporations they form.

(11) To reduce the vulnerability of the United States to wrongdoing by United States corporations and limited liability companies with unknown owners, to protect interstate and international commerce from criminals misusing United States corporations and limited liability companies, to strengthen law enforcement investigations of suspect corporations and limited liability companies, to set minimum standards for and level the playing field among State incorporation practices, and to bring the United States into compliance with its international anti-money laundering obligations, Federal legislation is needed to require the States to obtain beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

### SEC. 3. TRANSPARENT INCORPORATION PRACTICES.

(a) TRANSPARENT INCORPORATION PRACTICES.—

(1) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

#### “SEC. 2009. TRANSPARENT INCORPORATION PRACTICES.

“(a) INCORPORATION SYSTEMS.—

“(1) IN GENERAL.—To protect the security of the United States, each State that receives funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2011, use an incorporation system that meets the following requirements:

“(A) Each applicant to form a corporation or limited liability company under the laws of the State is required to provide to the State during the formation process a list of the beneficial owners of the corporation or limited liability company that—

“(i) identifies each beneficial owner by name and current address; and

“(ii) if any beneficial owner exercises control over the corporation or limited liability company through another legal entity, such as a corporation, partnership, or trust, identifies each such legal entity and each such beneficial owner who will use that entity to exercise control over the corporation or limited liability company.

“(B) Each corporation or limited liability company formed under the laws of the State

is required by the State to update the list of the beneficial owners of the corporation or limited liability company by providing the information described in subparagraph (A)—

“(i) in an annual filing with the State; or

“(ii) if no annual filing is required under the law of that State, each time a change is made in the beneficial ownership of the corporation or limited liability company.

“(C) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State is required to be maintained by the State until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

“(D) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State shall be provided by the State upon receipt of—

“(i) a civil or criminal subpoena or summons from a State agency, Federal agency, or congressional committee or subcommittee requesting such information; or

“(ii) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or section 1782 of title 28, United States Code.

“(2) NON-UNITED STATES BENEFICIAL OWNERS.—To further protect the security of the United States, each State that accepts funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2011, require that, if any beneficial owner of a corporation or limited liability company formed under the laws of the State is not a United States citizen or a lawful permanent resident of the United States, each application described in paragraph (1)(A) and each update described in paragraph (1)(B) shall include a written certification by a formation agent residing in the State that the formation agent—

“(A) has verified the name, address, and identity of each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States;

“(B) has obtained for each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States a copy of the page of the government-issued passport on which a photograph of the beneficial owner appears;

“(C) will provide proof of the verification described in subparagraph (A) and the photograph described in subparagraph (B) upon request; and

“(D) will retain information and documents relating to the verification described in subparagraph (A) and the photograph described in subparagraph (B) until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates, under the laws of the State.

“(b) PENALTIES FOR FALSE BENEFICIAL OWNERSHIP INFORMATION.—In addition to any civil or criminal penalty that may be imposed by a State, any person who affects interstate or foreign commerce by knowingly providing, or attempting to provide, false beneficial ownership information to a State, by intentionally failing to provide beneficial ownership information to a State upon request, or by intentionally failing to provide updated beneficial ownership information to a State—

“(1) shall be liable to the United States for a civil penalty of not more than \$10,000; and

“(2) may be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.

“(c) FUNDING AUTHORIZATION.—To carry out this section—

“(1) a State may use all or a portion of the funds made available to the State under section 2004; and

“(2) the Administrator may use funds appropriated to carry out this title, including unobligated or reprogrammed funds, to enable a State to obtain and manage beneficial ownership information for the corporations and limited liability companies formed under the laws of the State, including by funding measures to assess, plan, develop, test, or implement relevant policies, procedures, or system modifications.

“(d) STATE COMPLIANCE REPORT.—Nothing in this section authorizes the Administrator to withhold from a State any funding otherwise available to the State under section 2004 because of a failure by that State to comply with this section. Not later than June 1, 2012, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report identifying which States are in compliance with this section and, for any State not in compliance, what measures must be taken by that State to achieve compliance with this section.

“(e) DEFINITIONS.—In this section:

“(1) BENEFICIAL OWNER.—The term ‘beneficial owner’ means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the corporation or limited liability company.

“(2) CORPORATION; LIMITED LIABILITY COMPANY.—The terms ‘corporation’ and ‘limited liability company’—

“(A) have the meanings given such terms under the laws of the applicable State;

“(B) do not include any business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d)), or any corporation or limited liability company formed by such a business concern;

“(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

“(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General of the United States, has determined in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from the business concern would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

“(3) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.”.

(2) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2008 the following:

“Sec. 2009. Transparent incorporation practices.”.

(b) EFFECT ON STATE LAW.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not supersede, alter, or affect any statute, regulation,

order, or interpretation in effect in any State, except where a State has elected to receive funding from the Department of Homeland Security under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), and then only to the extent that such State statute, regulation, order, or interpretation is inconsistent with this Act or an amendment made by this Act.

(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act or an amendment made by this Act if such statute, regulation, order, or interpretation—

(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

(B) imposes additional limits on public access to the beneficial ownership information obtained by the State than is specified under this Act or an amendment made by this Act.

#### SEC. 4. ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.

(a) ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.—Section 5312(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (Y), by striking “or” at the end;

(2) by redesignating subparagraph (Z) as subparagraph (AA); and

(3) by inserting after subparagraph (Y) the following:

“(Z) any person involved in forming a corporation, limited liability company, partnership, trust, or other legal entity; or”.

(b) DEADLINE FOR ANTI-MONEY LAUNDERING RULE FOR FORMATION AGENTS.—

(1) PROPOSED RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General of the United States, the Secretary of Homeland Security, and the Commissioner of the Internal Revenue Service, shall publish a proposed rule in the Federal Register requiring persons described in section 5312(a)(2)(Z) of title 31, United States Code, as amended by this section, to establish anti-money laundering programs under subsection (h) of section 5318 of that title.

(2) FINAL RULE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury shall publish the rule described in this subsection in final form in the Federal Register.

#### SEC. 5. STUDY AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report—

(1) identifying each State that has procedures that enable persons to form or register under the laws of the State partnerships, trusts, or other legal entities, and the nature of those procedures;

(2) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide information about the beneficial owners (as that term is defined in section 2009 of the Homeland Security Act of 2002, as added by this Act) or beneficiaries of such entities, and the nature of the required information;

(3) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(A) raises concerns about the involvement of such entities in terrorism, money laun-

dering, tax evasion, securities fraud, or other misconduct; and

(B) has impeded investigations into entities suspected of such misconduct; and

(4) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism and what steps, if any, the United States has taken or is planning to take in response.

#### SUMMARY OF INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT, MAY 1, 2008

To protect the United States from U.S. corporations being misused to commit terrorism, money laundering, tax evasion, or other misconduct, the Incorporation Transparency and Law Enforcement Assistance Act would:

**Beneficial Ownership Information.** Require the States to obtain a list of the beneficial owners of each corporation or limited liability company (LLC) formed under their laws, ensure this information is updated annually, and provide the information to civil or criminal law enforcement upon receipt of a subpoena or summons.

**Non-U.S. Beneficial Owners.** Require corporations and LLCs with non-U.S. beneficial owners to provide a certification from an in-State formation agent that the agent has verified the identity of those owners.

**Penalties for False Information.** Establish civil and criminal penalties under federal law for persons who knowingly provide false beneficial ownership information or intentionally fail to provide required beneficial ownership information to a State.

**Exemptions.** Provide exemptions for certain corporations, including publicly traded corporations and the corporations and LLCs they form, since the Securities and Exchange Commission already oversees them; and corporations which a State has determined, with concurrence from the Homeland Security and Justice Departments, should be exempt because requiring beneficial ownership information from them would not serve the public interest or assist law enforcement.

**Funding.** Authorize States to use an existing DHS grant program, and authorize DHS to use already appropriated funds, to meet the requirements of this Act.

**State Compliance Report.** Clarify that nothing in the Act authorizes DHS to withhold funds from a State for failing to comply with the beneficial ownership requirements. Require a GAO report by 2012 identifying which States are not in compliance so that a future Congress can determine at that time what steps to take.

**Transition Period.** Give the States until October 2011 to require beneficial ownership information for the corporations and LLCs formed under their laws.

**Anti-Money Laundering Rule.** Require the Treasury Secretary to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or other entities for criminals or other suspect persons.

**GAO Study.** Require GAO to complete a study of State beneficial ownership information requirements for in-state partnerships and trusts.

By Mr. LIEBERMAN:

S. 2957. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President today more than ever, credit unions are a critical component of our nation's financial landscape. At a time when most financial institutions are retreating from the credit markets, credit unions are among the few lenders in the financial industry demonstrating resiliency and strength. For example, while many mortgage lenders are struggling to stay afloat, the delinquency rate on mortgages issued by credit unions is less than one percent, and credit unions are still lending. Nonetheless, certain outdated regulatory rules impede the ability of credit unions to effectively carry out their role as savings and lending institutions for local communities and small businesses. Because I believe that credit unions are a stabilizing force in the domestic economy and play an important role in providing financial services to local community and underserved groups, I am introducing the Credit Union Regulatory Improvements Act of 2008, CURIA.

The health of credit unions in today's turbulent economy is attributable to a business model that differs significantly from that of other financial institutions. Similar to banks and thrifts, credit unions act as intermediaries in the market for consumer finance. Credit unions, however, are governed by certain rules that take into account their position as cooperative lenders. Notably, credit unions operate as tax-exempt, nonprofit institutions. All credit union earnings are retained as capital or returned to members in the form of higher interest rates on savings accounts, lower interest rates on loans, and other financial benefits. Second, credit unions are member-owned with each member entitled to one vote in selecting board members and other decisions. Third, credit unions do not issue capital stock. Rather, credit unions create capital by retaining earnings. Fourth, credit unions rely on volunteer, generally unpaid boards of directors elected from the membership. Lastly, credit unions are limited to accepting members identified in a credit union's articulated field of membership—usually reflecting occupational, associational, or geographical links or affinity.

In short, through a cooperative ownership structure, credit unions offer access to financial services to millions of Americans. As a result of strong ties to their communities, credit unions help meet local needs, and in the process, encourage economic growth, job creation, savings, and opportunities for small business owners. At the end of 2007, over 88 million individuals were members of state or federally chartered credit unions in the United States, including close to a million individuals in the State of Connecticut.

The legislation I am introducing will help modernize the Federal Credit Union Act, bringing antiquated rules into the era of twenty-first century consumer finance. CURIA would remove several instances of statutory

micromanagement that place unreasonable constraints on the ability of credit unions and their boards to function efficiently and in the best interests of their members. The first title would update current capital requirements by implementing recommendations from the National Credit Union Administration, NCUA, the Federal regulatory body that oversees credit unions. For purposes of setting capital requirements, CURIA would implement a rigorous, two-part net worth test that would more closely track an institution's actual asset risk. The second title would promote community development and local economic growth by providing for modest expansion in credit union business lending. The title also includes provisions that would permit credit unions to extend services to areas with high unemployment and low incomes. The third title would provide credit unions with relief from outdated regulatory burdens by authorizing the NCUA to increase maximum loan terms and raise interest rate ceilings in response to sustained increases in prevailing market interest rate levels. The title would further allow greater credit union investment in credit union service organizations, allow limited investments in securities, and update credit union governance rules.

Vigorous competition among financial service providers, new technology, and globalization have resulted in a financial marketplace where the products and actors are evolving at a much more rapid rate than the statutes and regulations that govern them. While recent events demonstrate that we must be prudent in our approach to financial regulation, we must not allow our rules to unjustifiably constrain those actors, such as credit unions, that contribute to financial stability, community development, and long-term growth. The Credit Union Regulatory Improvements Act is an important step toward modernizing and calibrating our financial regulatory rules. I encourage my colleagues to support it.

Mr. President, I ask unanimous consent a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE CREDIT UNION REGULATORY  
IMPROVEMENTS ACT OF 2008  
SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

Section 1 would establish the short title of the bill as the Credit Union Regulatory Improvements Act of 2008.

TITLE I: CAPITAL REFORM

*Section 101. Amendments to net worth categories*

The Federal Credit Union Act presently specifies the amount of capital credit unions must hold in order to protect their safety and soundness and the solvency of the National Credit Union Share Insurance Fund ("Insurance Fund"). Many experts, however, have noted that this capital allocation system is inefficient and does not appropriately

account for risk. Section 101 incorporates recent recommendations of the National Credit Union Administration, NCUA, to provide a two-tier capital and Prompt Corrective Action, PCA, system for federally insured credit unions involving complementary leverage and risk-based minimum capital requirements. Under the proposed system, a well capitalized credit union must maintain a leverage net worth ratio of 5.25% and a minimum risk-based ratio of 10%. When a credit union's capital deposit to the Insurance Fund (equal to 1% of insured deposits) is added, a credit union's total net worth would equal or exceed the capital requirements for FDIC-insured banks and thrifts.

*Section 102. Amendments relating to risk-based net worth categories*

Currently, only federally insured credit unions that are considered "complex" must meet a risk-based net worth requirement under the Federal Credit Union Act. Section 102 would instead require all federally insured credit unions to meet a risk-based net worth requirement, and it directs the Board to take into account comparable risk standards for FDIC-insured institutions when designing the risk-based requirements appropriate to credit unions.

*Section 103. Treatment based on other criteria*

Section 103 would permit the NCUA Board to delegate to regional directors the authority to lower by one level a credit union's net worth category for reasons related to interest-rate risk not captured in the risk-based ratios, with any regional action subject to Board review.

*Section 104. Definitions relating to net worth*

Net worth, for purposes of prompt corrective action, is currently defined as a credit union's retained earnings balance under generally accepted accounting principles. Section 104 would make three important revisions to this definition. First, it clarifies that credit union net worth ratios must be calculated without a credit union's capital deposit with the Insurance Fund. Second, it provides a new definition for "risk-based net worth ratio" as the ratio of the net worth of the credit union to the risk assets of the credit union. Third, it would permit the NCUA to impose additional limitations on the secondary capital accounts used to determine net worth for low-income community credit unions where necessary to address safety and soundness concerns.

SECTION 105. AMENDMENTS RELATING TO NET  
WORTH RESTORATION PLANS

Section 105 would provide the NCUA Board with authority to waive temporarily the requirement to implement a net worth restoration plan for a credit union that becomes undercapitalized due to disruption of its operations by a natural disaster or a terrorist act. It would further permit the Board to require any credit union that is no longer well capitalized to implement a net worth restoration plan if it determines the loss of capital is due to safety and soundness concerns and those concerns remain unresolved by the credit union.

This section would also modify the required actions of the Board in the case of critically undercapitalized credit unions in several ways. First, it would authorize the Board to issue an order to a critically undercapitalized credit union. Second, the timing of the period before appointment of a liquidating agent could be shortened. Third, the section would clarify the coordination requirement with state officials in the case of state-chartered credit unions.

TITLE II: ECONOMIC GROWTH

*Section 201. Limits on member business loans*

Section 201 would increase the current arbitrary asset limit on credit union member

business loans from the lesser of 1.75 times actual net worth or 1.75 percent times net worth for a well-capitalized credit union (12.25% of total assets) to a flat limit of 20% of the total assets of a credit union. This update would facilitate added member business lending without jeopardizing safety and soundness at participating credit unions, as the 20% cap would still be equal to or stricter than business lending caps imposed on other depository institutions.

*Section 202. Definition of member business loans*

Section 202 would give NCUA the authority to exclude loans of \$100,000 or less as de minimis, rather than the current \$50,000 exclusion, from calculation of the 20% cap on member business loans. This change would thus facilitate the ability of credit unions to make additional loans and encourage them to make very small business loans. It also builds upon the findings in a 2001 study by the Treasury Department that found that "... credit union member business loans share many characteristics of consumer loans" and that "... these loans are generally smaller and fully collateralized, and borrower risk profiles are more easily determined."

*Section 203. Restrictions on member business loans*

Section 203 would modify language in the Federal Credit Union Act that currently prohibits a credit union from making any new member business loans if its net worth falls below 6 percent. This change would permit the NCUA to determine if such a policy is appropriate and to oversee all member business loans granted by an undercapitalized institution.

*Section 204. Member business loan exclusion for loans to non-profit religious organizations*

To facilitate the ability of credit unions to support the community development activities of non-profit religious institutions, Section 204 would exclude loans or loan participations by credit unions to non-profit religious organizations from the member business loan limits contained in the Federal Credit Union Act.

*Section 205. Credit unions authorized to lease space in buildings in underserved areas*

In order to enhance the ability of federal credit unions to assist underserved communities with their economic revitalization efforts, Section 205 would allow a credit union to lease space in a building or on property on which it maintains a physical presence in an underserved area to other parties on a more permanent basis. It would also permit a federal credit union to acquire, construct, or refurbish a building in an underserved community, then lease out excess space in that building.

*Section 206. Amendments relating to credit union service to underserved areas*

Section 206 would revise a provision of the 1998 Credit Union Membership Access Act that has been incorrectly interpreted as permitting only federal credit unions with multiple common bond charters to expand services to individuals and groups living or working in areas of high unemployment and below median incomes that typically are underserved by other depository institutions. The change would reestablish prior NCUA policy of permitting all federal credit unions, regardless of charter type, to expand services to eligible communities that the Treasury Department determines meet income, unemployment and other distress criteria.

*Section 207. Underserved areas defined*

Section 207 would expand the criteria for determining whether a community or rural area qualifies as an underserved area. The

definition of a qualified underserved area includes not only areas currently eligible as "investment areas" under the Treasury Department's Community Development Financial Institutions (CDFI) program, but also census tracts qualifying as "low income areas" under the New Markets Tax Credit targeting formula adopted by Congress in 2000.

#### TITLE III: REGULATORY MODERNIZATION

##### *Section 301. Investments in securities by federal credit unions*

The Federal Credit Union Act presently limits the investment authority of federal credit unions to loans, government securities, deposits in other financial institutions, and certain other limited investments. Section 301 would provide additional investment authority to allow credit unions to purchase for the credit union's own account certain investment grade securities. The total amount of the investment securities of any one obligor or maker could not exceed 10% of the credit union's net worth and total investments could not exceed 10% of total assets.

##### *Section 302. Authority of NCUA to establish longer maturities for certain credit union loans*

The Federal Credit Union Act was amended in 2006 to allow the NCUA Board to increase the 12-year maturity limit on non-real estate secured loans to 15 years. Section 302 would further provide the Board with additional flexibility to issue regulations providing for loan terms exceeding 15 years for specific types of loans.

##### *Section 303. Increase in 1 percent investment and loan limits in credit union service organizations*

The Federal Credit Union Act authorizes federal credit unions to invest in organizations providing services to credit unions and credit union members. Currently, an individual federal credit union may invest in aggregate no more than one percent of its unimpaired capital and surplus in these organizations, commonly known as credit union service organizations or CUSOs. Credit unions also are limited in the amount they may loan to all CUSOs to one percent of unimpaired capital and surplus. Section 303 would double the amount a credit union may invest in all CUSOs, and the aggregate amount it may lend to CUSOs, to two percent of credit union unimpaired capital and surplus.

##### *Section 304. Voluntary mergers involving multiple common bond credit unions*

NCUA has identified ambiguous language in the 1998 Credit Union Membership Access Act as creating uncertainty for certain voluntary credit union mergers by requiring that groups of more than 3,000 members be required to start a new credit union rather than be incorporated as a new group within a multiple common-bond credit union. Section 304 would clarify that this numerical limitation would not apply to bar groups of more than 3,000 members that are transferred between two existing credit unions as part of a voluntary merger.

##### *Section 305. Conversions involving certain credit unions to a community charter*

In cases when a single or multiple common-bond federal credit union converts to a community credit union charter, there may be groups within the credit union's existing membership that are located outside the new community charter's geographic boundaries, but which desire to remain part of the credit union and can be adequately served by the credit union. Section 305 would require NCUA to establish the criteria whereby it may determine that a member group or

other portion of a credit union's existing membership, located outside of the community, can be satisfactorily served and remain within the credit union's field of membership.

##### *Section 306. Credit union governance*

Section 306 would provide federal credit union boards the flexibility to expel a member, based on just cause, who is disruptive to the operations of the credit union, including harassing personnel and creating safety concerns, without the need for a two-thirds vote of the membership present at a special meeting as required by current law. The section would also permit federal credit unions to limit the length of service of their boards of directors to ensure broader representation from the membership.

##### *Section 307. Providing the National Credit Union Administration with greater flexibility in responding to market conditions*

Currently, the NCUA Board may raise the usury interest rate ceiling on loans by federal credit unions whenever it determines that money market rates have increased over the preceding six-month period and prevailing interest rates threaten the safety and soundness of individual credit unions. Section 307 would give the Board greater flexibility to make such determinations based either on sustained increases in money market interest rates or prevailing market interest rate levels.

##### *Section 308. Credit union conversion voting requirements*

Section 308 includes several changes to current law pertaining to credit union conversions to mutual thrift institutions. It would increase the minimum member participation requirement in any vote to approve a conversion to 30% of the credit union's membership. It would require the board of directors of a credit union considering conversion to hold a general membership meeting one month prior to sending out any notices about a conversion vote that contain a voting ballot. It would also prohibit use of raffles, contest, or any other promotions to encourage member voting in a conversion vote.

##### *Section 309. Exemption from pre-merger notification requirement of the Clayton Act*

Section 309 would give all federally insured credit unions the same exemption that banks and thrift institutions already have from pre-merger notification requirements and fees for purposes of antitrust review by the Federal Trade Commission under the Clayton Act.

By Mr. DOMENICI (for himself, Mr. BUNNING, Mr. SESSIONS, Mrs. HUTCHISON, Mr. BOND, Mr. INHOFE, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BENNETT, Mr. WICKER, Mr. CHAMBLISS, Mr. STEVENS, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. THUNE, Mr. VOINOVICH, Mr. ALLARD, and Mr. MCCONNELL).

S. 2958. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I have a few remarks about the energy situation I would like to share with the Senate. Two months ago, I came to the floor to deliver a series of speeches on the State of our Nation's energy security. I said then, unequivocally, that our Nation's economic strength had been put in great peril by our growing dependence on foreign oil.

I have been a member of the Energy Committee for 30 years and have served as chairman of that committee, as well as the Budget Committee, for a long period during that time. I have seen my share of serious debate on energy and the economy, and I recognize how vital these issues are to our Nation's well-being.

Unfortunately, in these times of high gas prices and an approaching election, I have also seen my share of not-so-serious debate. The American people deserve better than false promises of short-term fixes, driving season gimmicks, and empty threats to the Middle East.

I said in February—and I say it again today—the American people deserve serious, thoughtful, long-term solutions to our ever-growing energy crisis. If there are short-term solutions, or short-term aids, we ought to share those, too, and get on with adopting them.

Investigating, taxing, and threatening our American oil and gas companies will do nothing to reduce the stranglehold foreign oil dependence has put on our economic strength, national security, and foreign policy agenda.

To blame either side of the aisle for the trouble this Nation is in misses the point. The American people did not send us here to cast blame on one side or the other, and they certainly didn't send us here to put band-aids on serious illnesses that threaten our Nation.

My first year in the Senate was during a Republican administration, when a President set out an aggressive agenda to reduce our Nation's oil imports.

At that time, we were importing 6 million barrels of oil a day, which represented 35 percent of our total oil consumption.

Fast forward 36 years to today. The aggressive agenda through several administrations and Congresses under the control of both parties has failed time and again. Today, we are more than 60 percent dependent on foreign oil which comes from some of the most hostile regimes in the world. Over time, our consumption has grown at a moderate rate, but our imports have more than doubled to 13.4 million barrels per day. The result is a rising cost of energy, a rising threat of disruption in our energy supply, and a rising anger among our already burdened constituents.

As I said today, the average price of gasoline is \$3.62 a gallon, an alltime high for the 17th straight day. Crude oil closed above \$113 per barrel last night. The average approval rating of Congress has plummeted to 22 percent, and yet we continue to point fingers back and forth.

In the past few years, Congress has achieved significant success in addressing long-term energy security. We passed a 2005 bill that will bring us a nuclear renaissance, a 2006 bill that will bring us greater domestic oil and gas production in the Gulf of Mexico, and a 2007 bill that will bring us increased fuel efficiency. That is a dramatic change in the CAFE standards.



These were not little things, and they were hard to do. They were done without finger-pointing and with bipartisan support.

To face this new challenge, however, we must do even more. Debate about energy, oil, and the environment has reached a fever pitch. The challenge of our time will be how we meet a rising demand for energy from the literally billions of new consumers who wish to share in the benefits of a global economy. I think we all know what that means. That means India, China, and other countries are adding to the demand part of the supply-and-demand cycles in mammoth ways. Already, China is moving ahead as one of the largest importers of oil and users of oil in the whole world. Just 10 years ago, or 12, they were hardly on the map. For our Nation's future energy security and the world's, we will need to ensure our supply of energy is reliable, affordable, and abundant.

Today, I introduced the Domestic Energy Production Act of 2008. I ask unanimous consent that title be changed to the American Energy Production Act of 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I ask that the clerk so change the bill, if they can. If not, the Senator from New Mexico asks for the right to change it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, the policies set forth in this bill will begin to move us in the right direction. I urge my colleagues to support its passage and to look at it seriously.

First, the bill allows for States on the Atlantic and Pacific coasts to petition the Federal Government to opt out of the broad moratorium that for two decades has locked up America's assets and forced us to turn toward unstable foreign nations to power our lives. I believe it is time that we ask the Atlantic and Pacific coastal States to take a real look at whether we could drill distances from their shores without doing any harm and adding substantially to the American supply for all our citizens, not just the coastal citizens. I believe the time is ripe. I believe right-headed people will consider that might be a reality. If we were to do it, we were told just that contains literally millions of barrels of crude oil and billions of cubic feet of natural gas for the American energy future.

First, this bill allows these Atlantic and Pacific coasts to petition their Government to opt out, as I said, and these are large quantities of assets that are American. Together, the Atlantic and Pacific Oceans contain oil reserves, and here are the numbers, what we know without doing a detailed reconnaissance. There are reserves of up to 14 billion barrels and natural gas reserves totaling 55 trillion cubic feet. Those are big enough for the American

people to demand that everyone who represents States in this Senate look at this, whether they are coastal State Senators or not. America needs an honest evaluation because with these States, if there was no damage—and I believe we can drill without any damage today—we might move in a direction, an honest direction, of reducing dramatically what we must import overseas.

Opening them to leasing would literally bring billions of dollars to the Federal Treasury and billions of dollars to the coastal States because they would share in it 37 percent, as we did with the coastal States of Louisiana, Mississippi, and Texas when we, 2 years ago, did the same thing for Gulf States and opened those areas for drilling. Those States abutting were positively impressed and helped by it because they wanted development and they also wanted to share in the royalties. The new way we build platforms and drill is a far cry from 20 years ago when coastal States were so worried. Actually, we can do it with little or no footprint, little or no seepage or damage, there is no question about it.

Next, the bill opens 2,000 acres of the 19 million acres of the Arctic plain, or ANWR, for oil and gas leasing. In 1995, President Clinton vetoed an ANWR bill, and the price of oil was \$19 a barrel. As a result, 1 million barrels of oil continue to sit beneath our ground each day instead of in our gas tanks. I believe the ultimate find, if we are permitted to drill, would be much more than the million barrels, without a question. The footprint is so small, the new directional drilling is so accurate that I believe it deserves an opportunity for the Senate to look again and think again and for the American people to look again and think again with us on what should be done. The price of oil is now \$113 a barrel. When we last voted, the price was somewhere above \$50 but certainly nothing like this.

Yesterday, I heard a colleague on the other side of the aisle urge OPEC nations to release 500,000 barrels of oil to the global market. Today, in introducing this bill, I respond to my colleagues to release more than 1 million barrels to that supply, from our own lands, by supporting my bill. We don't know how much more we will get if the coastal States join in and begin lifting the moratorium. We may be able to send a message that more than the 500,000 barrels my colleague on the other side sought and far more than the 1 million we would get from Alaska would be released into the American market.

This bill provides for a consolidated permitting process to ease constraints on building refineries in this country. While we improved the capacity over years, we consistently hear the criticism that no new refinery has been built in our country for over 30 years. Our Nation cannot afford to go 30 more years without building additional refineries.

The bill also provides a small measure of relief by suspending delivery to the Strategic Petroleum Reserve. I ask my colleagues to consider their views on certain issues. I remind them that this issue I have reconsidered on my own. I believe it is appropriate in this pricing environment that we stop filling the SPR for up to 6 months, thus providing 70,000 additional barrels of light sweet crude per day. That might have an effect. Although it will be minor, it might be recognizable on the price of oil. I think it is time to do that.

I told the chairman of the Subcommittee on Energy and Water Development, with whom I serve and was the principal sponsor of this, that I would join him in this when he was ready to move on the Senate floor.

By its very nature, this is just a fraction of the oil that will be gained through OCS production. OCS is what I am talking about in the bill I introduced today, and ANWR, oil shale production, and coal-to-liquid production are in this bill. In today's environment, any small amount helps the people of this country.

In the area of alternative resources, this bill requires studies on ethanol to help ensure that smart decisions are made as we move toward cellulosic and other advanced biofuels. This bill provides incentives for the advancement of breakthrough energy technologies, such as battery-powered vehicles. That is important. It is obvious to everyone that we have not moved ahead as rapidly as we should in battery development, and we ought to push hard with our greatest scientists because a change in the right direction there would be a dramatic change in the right direction for automobiles that would be electric-motored and that would be good for our country.

Our Nation is often called the Saudi Arabia of coal, and we should use that domestic resource to help reduce our dependence on foreign oil. This bill creates a mandate for up to 3 billion gallons of clean coal-derived fuels over the next decade and 6 billion gallons over the next 14 years. This will provide diesel and jet fuel to help power our economy and create jobs throughout our coal-producing States.

Additionally, this provision requires that the mandated fuels have life-cycle greenhouse gas emissions no greater than conventional gasoline.

This is a win-win for our economy and our environment. I don't know why it is so violently opposed by some in America. I think they just don't want us to use our own if it means we are going to use it in automobiles, diesel trucks, or the like. I don't understand. If we don't do it, we will be using foreign oil unless and until we find a total new substitute, which will be years from now.

This bill also allows for the long-term procurement of synthetic fuels by the Department of Defense and repeals section 526 of last year's Energy bill.

That provision ties greenhouse gas emission requirements to the types of fuels our Air Force can purchase. The practical translation is that in a time of war, this policy would direct our military to purchase oil from the sands of the Middle East rather than the oil sands of Canada.

While this bill takes many steps to strengthen our Nation's energy security, it also repeals several provisions in last year's appropriations bills that threaten to damage our Nation's energy security. At this point, most everyone knows what they are. I will merely mention one of those that is big, and that is a mandate that was imposed on oil shale development in America.

Somebody in conference—I think we know which one but need not say since it is not certain—put a rider on that bill that said the final regulations for shale development have a moratorium imposed. That comes at a time when Shell Oil and others are exploring the great potential of shale converted to oil. I don't see why we should do this. I believe we should take that off and let them proceed. They will be bound by the laws of our land, and obviously, with the high price of crude oil, it is clear to me that they are going to find a way to make oil shale equal to conventional oil and thus usable by Americans as American-produced oil. We should let that happen as rapidly as possible and not deter it. I know some will not agree, but I would think that debate, carried to the American people, would be voted overwhelmingly in favor of letting it happen. That is why we put it in this bill.

Finally, this bill repeals a \$4,000 fee for drilling permits. These costs, slipped into a large Omnibus measure without notice or debate, hit the smallest oil and gas companies in our States. Making it more difficult to produce domestic energy for domestic use will only serve to further increase the prices we pay at the pump.

As I complete my final year in the Senate, I look back on the many accomplishments this body has achieved for the American people. This great work has often been done when Members reached across the aisle after thoughtful deliberation, serious debate, and reasoned judgment. I hope, as the Congress makes a serious effort to tackle the energy challenges of our time, that we will address these challenges in the same spirit.

As I said a few months ago on this floor that America faces a serious energy crisis with vital implications for our national security, economic strength, and foreign policy. The American people deserve a serious debate, for our present challenge will require thoughtfulness, vision, and judgment—not just today, but when the cameras are off, the elections are far away, and gas prices subside.

By Mr. FEINGOLD (for himself,  
Ms. KLOBUCHAR, Mr. TESTER,  
and Mr. HARKIN):

S. 2959. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce, along with Senators KLOBUCHAR, TESTER, and HARKIN, the Election Day Registration Act of 2008, which would significantly increase voter participation by allowing all eligible citizens to register to vote in Federal elections on Election Day.

In many ways, the machinery of our democracy needs significant repair. We live in an age of low turnout and high cynicism. The American people have lost faith in our election system, in part because they are not confident that their votes will be counted or that the ballot box is accessible to each and every voter regardless of ability, race, or means.

What we see instead are long lines at polling places; faulty voting machines; under-trained, under-paid, over-worked poll workers; partisan election administrators; suspect vote tallies; caging lists; intimidation at the polling place; misleading flyers; illegal voter-file purges; and now, the Supreme Court approving discriminatory voter ID laws. If people cannot trust their elections, why should they trust their elected officials?

Two years ago, Professor Dan Tokaji, a leading election law expert, called for a "moneyball approach to election reform." Named after Michael Lewis's book about the Oakland A's data-driven hiring system, Tokaji's approach is quintessentially progressive, as that term was understood at the turn of the century. "I mean to suggest a research-driven inquiry," Tokaji wrote, "in place of the anecdotal approach that has too often dominated election reform conversations. While anecdotes and intuition have their place, they're no substitute for hard data and rigorous analysis."

This bill embodies the moneyball approach to election reform. In stark contrast to many so-called election reform proposals, this bill addresses a real problem—low voter turnout—it targets a major cause of the problem—archaic registration laws—and it offers a proven solution—Election Day registration.

The bill is very simple: it amends the Help America Vote Act to require every State to allow eligible citizens to register and vote in a Federal election on the day of the election. Voters may register using any form that satisfies the requirements of the National Voter Registration Act, including the Federal mail-in voter registration form and any state's standard registration form. North Dakota, which does not have voter registration, is exempted from the bill's requirements.

The bill itself is simple, but it addresses a significant problem: the low voter turnout that has plagued this country for the last 40 years. We live in a participatory democracy, where our

Government derives its power from the consent of the governed, a consent embodied in the people's exercise of their fundamental right to vote. It is self evident that a participatory democracy depends on participation.

This may be a government of the people, but the people are not voting. Since 1968, American political participation has hovered around 50 percent for Presidential elections and 40 percent for congressional elections. Even in 2004, a record-breaking year, turnout was only 55 percent of the voting age population. The U.S. may be the only established democracy where the fact that a little under half of the electorate stayed home is considered cause for celebration.

In fact, our predecessors in the Senate would be surprised to find us celebrating such low turnout: a 1974 report by the Senate Committee on the Post Office and Civil Service bemoaned the "shocking" drop in turnout in the 1972 election. And what was the number that so troubled the Committee—55 percent.

The report went on: "[i]t is the Committee's conviction that our disquieting record of voter participation is in large part due to the hodgepodge of registration barriers put in the way of the voter. Such obstacles have little, if anything, to recommend them. At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country."

What a shame, that the Committee's findings are still valid. Our archaic registration laws have been reformed, but they are still archaic. We have passed a number of important bills designed to combat low turnout, but turnout is still low. America is even more mobile than it was in 1974, and yet our registration laws are still out of touch with the reality that more than 40 million Americans move every year. Worst of all, our registration laws still fall especially hard on the young, the old, and the poor.

We have long known that complicated voter registration requirements constitute one of the major barriers to voting. In fact, many States adopted voter registration in order to prevent certain segments of the population from voting. Alexander Keyssar, the preeminent scholar on the history of the right to vote in this country, writes that although "[r]egistration laws emerged in the nineteenth century as a means of keeping track of voters and preventing fraud; they also served—and were intended to serve—as a means of keeping African-American, working-class, immigrant, and poor voters from the polls."

It is time for a fundamental change. A large body of research tells us that unnecessarily burdensome voter registration requirements are the single

largest factor in preventing people from voting. Simply put, voter registration restrictions should not keep eligible Americans from exercising their right to vote. The solution to this problem is Election Day registration.

Decades of empirical research confirm Election Day registration's positive impact on turnout. As one academic paper states, "the evidence on whether EDR augments the electorate is remarkably clear and consistent. Studies finding positive and significant turnout impacts are too numerous to list." Studies indicate that Election Day registration alone increases turnout by roughly 5 to 10 percentage points.

In general, States with Election Day registration boast voter turnout that is 10–12 percentage points higher than States that require voters to register before Election Day. Turnout in Minnesota and Wisconsin, which implemented Election Day registration over 35 years ago, has been especially high: in 2004, for example, 78 percent of eligible Minnesotans and 75 percent of eligible Wisconsinites went to the polls. The last time national voter turnout was above 70 percent, it was 1896, there were only 45 States, and the gold standard was the dominant campaign issue.

Critics might worry about the possibility of fraud, but Election Day registration actually makes the registration process more secure. Voters registering on Election Day do so in the presence of an elections official who verifies the voter's residency and identity on the spot. Mark Ritchie, Minnesota's Secretary of State, points out that Election Day registration "is much more secure because you have the person right in front of you—not a postcard in the mail. That is a no-brainer. We have 33 years of experience with this."

In contrast to most election reforms, the cost of Election Day registration is negligible. A recent survey of 26 local elections officials in six EDR States found that "officials agreed that incidental expense of administering EDR is minimal." In fact, Election Day registration may actually result in a net savings because it significantly reduces the use of provisional ballots. Provisional ballots, which are required by the Help America Vote Act, are expensive to administer. The Congressional Budget Office estimates that provisional ballots cost State and local governments about \$25 million a year.

In some states the number of provisional ballots cast is surprisingly large. For example, in 2004, more than 4 percent of California's registered voters cast provisional ballots—that's 644,642 provisional ballots. In Ohio, 157,714 provisional ballots were cast, about 2 percent of all registered voters.

In contrast, in 2004 only 0.03 percent of voters in EDR States cast a provisional ballot. In Wisconsin, only 374 provisional ballots were cast. In Maine, only 95 provisional ballots were cast. In

fact, only 952 provisional ballots were cast in all the EDR States combined in 2004. To be sure, this bill is no cure-all: it does not address long lines, deceptive flyers, and faulty voting machines. Other bills, good bills, address those issues.

The bottom line is this: the Election Day Registration Act would substantially increase civic participation, improve the integrity of the electoral process, reduce election administration costs, and reaffirm that voting is a fundamental right. It has been proven effective by more than 30 years of successful implementation in Minnesota and Wisconsin and decades of empirical research. Election Day registration is good for voters, good for taxpayers, and good for democracy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Election Day Registration Act".

#### SEC. 2. ELECTION DAY REGISTRATION.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following new section:

##### "SEC. 304. ELECTION DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any eligible individual on the day of a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993; and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual who is otherwise qualified to vote in a Federal election in such State.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2008 and for any subsequent election for Federal office."

(b) CONFORMING AMENDMENTS.—

(1) Section 401 of such Act (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(2) The table of contents of such Act is amended—

(A) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(B) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Election day registration."

Ms. KLOBUCHAR. Mr. President, I come to the floor today to speak about a fundamental right in this country: the right to vote. Although it is one of the greatest rights we have built this government on, we have states across the country that still limit that right by not allowing people to vote if they have not met an arbitrary registration deadline. A deadline that is sometimes set months in advance of Election Day. Since 1973, Minnesota has allowed citizens in the state to register to vote on the same day as the election, and, not coincidentally, year after year, my state has the highest voter turnout in the country.

As the Presidential election is fast approaching, we need to ensure that people across the country have the ability to vote when November 4th, 2008, rolls around. This is why, Mr. President, I am happy that this afternoon, Senator FEINGOLD and I introduced legislation that enables voters in every state to register on Election Day for Federal elections. My colleague's home state of Wisconsin, like Minnesota, has put a high price on voter registration, and has allowed Election Day Registration for over 30 years with great success. I am also pleased that we are joined on this bill by Senator HARKIN from Iowa and Senator TESTER from Montana. Both Iowa and Montana recently enacted same-day voter registration laws—significantly improving voter turnout throughout the state.

This legislation comes at a critical time—it is on the heels of a Supreme Court decision that tightens the ability of Indiana citizens to vote by requiring valid photo identification at the polling booth. And just this last week, several election registration volunteers in Florida stopped their registration work for fear that they would be fined upwards of \$1000 if they made a mistake.

In Minnesota, some credit the election of Jesse Ventura as Governor in 1998 to our same-day registration voting policy. Voters who had never voted before showed up at the polls and voted in unprecedented numbers. I can't say that I ever imagined that we would have a Governor wear a pink boa at his inaugural celebration, but the ability for the citizens of Minnesota to cast their ballot and enact change is the kind of democracy this country is founded upon.

In the past decade, as states around the country are experimenting with new and innovative ways to combat voter fraud, Election Day Registration has actually helped eliminate voter fraud at the polls. I've worked a great deal with the Secretary of State in Minnesota, Mark Ritchie, and he has found that registering at the polls, instead of by mail with a postcard, decreases the chance for fraud. When citizens are registering right in front of the election official, on the day of the election, chances of fraud are decreased. It's a pretty simple concept, but a fundamental one. As Secretary of State Ritchie has said, it's "a no-brainer."

The myriad of voter registration laws across the country are mind-boggling. In Nevada, you must register by 9 p.m., on the fifth Saturday before the election. A handful of states require registration 25 days before the election, another handful require 29 days. Some have to be postmarked by that date, and others have to be received by the deadline. A few set the cutoff at 20 days, a few at 10 days, and in Vermont, you have until 5 p.m., the Wednesday before the election. If you're in Utah, you must register 30 days before the election by mail, but if you miss that, you can register in person on the 18th or 15th day before the election. Where we have one, national, election day of November 4th this year, it is hard to imagine voters, because of the State they reside, could miss their chance to vote.

There are 8 States that allow citizens to register at the polls: Maine, Minnesota, New Hampshire, Wisconsin, Wyoming, and now Iowa and Montana have joined the list. Historically, these first six States have seen voter turnout that is 8 to 15 percent higher than the national average. In the 2004 Presidential election, only 64 percent of the eligible population voted; but in Minnesota, 79 percent of the population turned out to vote. As Senator FEINGOLD mentioned, the last time we had turnout that high on a national level was 1896, and we only had 45 states. No matter what side of the aisle, we are seeing an unprecedented interest in the upcoming Presidential election, and we need to give the citizens the ability to register on Election Day.

This is a simple, yet fundamental bill. It amends legislation we passed in 2002, the Help America Vote Act, to allow voters to register and cast their ballot on the same day in a Federal election. Where Americans across the country are facing skyrocketing gas prices, health costs that many cannot afford, and an economy that is approaching recession, we need to ensure that every citizen has the right to wake up on Election Day and decide they will cast their ballot for President.

Mr. TESTER. Mr. President, I rise today to join my colleagues, Senators FEINGOLD, HARKIN and KLOBUCHAR in introducing a bill that would significantly increase voter participation. The Election Day Registration Act of 2008, EDR, would allow all eligible citizens to register to vote in federal elections on Election Day.

Studies have shown a strong increase in voter turnout in those States who have EDR. In 2004, 73.8 percent of all eligible voters in EDR states voted, compared with 60.2 percent of eligible voters in states without EDR—a difference of 13.6 percentage points. The top four States for turnout in 2004 had EDR—Minnesota 78 percent, Wisconsin 75 percent, Maine 73 percent, and New Hampshire 71 percent. The fifth highest state was Oregon—the universal vote-by-mail state. Even more compelling, the

turnout is higher even when controlling for competitiveness—in terms of voter participation, “safe” states with EDR significantly outperformed “safe” states without EDR. Voter participation in those “Battleground” States with EDR was significantly higher than in those “battleground” states without EDR.

High voter participation is a fundamental part of a healthy democracy. This year we have seen record numbers of voters participating in the presidential primaries. The implementation of EDR for federal elections would build upon this momentum. Montana is expecting record turnout for our presidential primary on June 3rd.

EDR permits eligible citizens to register and vote on Election Day. There are currently 9 states that have some form of EDR: Minnesota, Maine, Wisconsin, Idaho, Wyoming, New Hampshire, Iowa, North Carolina and of course my home state of Montana. Iowa adopted EDR in March 2007 and North Carolina has implemented Same Day Registration at early voting sites. While the version in North Carolina isn't complete EDR, it is a strong move for increased access to the democratic process.

There is nationwide interest in EDR. Last year, 21 States had bills before their legislature to implement, or begin feasibility studies in support of, EDR.

In my home state of Montana we have had Election Day Registration. Montana adopted EDR in 2005 while I was president of the Montana state senate. Montana's version is a little different from EDR in Wisconsin and Minnesota—in Montana, the voter registers, election day, at the county courthouse rather than at the polling place. Whether it is at the polling place or the courthouse, the important fundamentals of access are maintained.

With EDR, the use of and reliance upon provisional ballots would be minimized. Provisional ballots are useful and valuable tools, however with EDR, the costly validation process that takes place after election day could be avoided, as eligibility considerations could be made on election day and the voter would then use a standard ballot. EDR streamlines the administrative process and makes sure that votes are counted.

Enactment of EDR would be a major step in the right direction towards inclusive and fully participatory elections. It's clear that people are more likely to vote when they know their votes will be counted. EDR has proven track record of increasing participation, and those concerns raised have been largely disproven or are easily addressed. In the end EDR allows more Americans to do that which is most fundamental to the democracy we love and the freedom we, as Americans, stand for—vote.

My cosponsors and I think this Election Day Registration Act of 2008 is necessary to strengthen our democ-

racy. We welcome our fellow senators to support this important legislation.

By Mr. DODD:

S. 2960. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DODD. Mr. President, today I am introducing the National Improvised Explosive Device, IED, Preparedness and Prevention Act of 2008. This bill will ensure that the brave men and women who are called on to respond to bomb threats around the country have the necessary tools, training, and personnel to keep our communities safe.

Furthermore, this bill gives our State and local responders unprecedented access to the federal policy making committees directing the national agencies that keep our homeland secure.

Regrettably, over the years, our people have suffered attacks from homemade bombs, not only on distant battlefields of Iraq and Afghanistan, but here in America. From the 1983 truck bombing of the Beirut Barracks to the Alfred P. Murrah Federal Building bombing in Oklahoma City to the recent Times Square Military Recruiting Office bombing in New York City, we have seen the devastating effects such attacks wield.

These bombs, which have become known in the lexicon of the Pentagon as “Improvised Explosive Devices” or IEDs, are the number one cause of death and injury to our troops overseas. Whether it is in lives lost, economic damage, or the simple loss of feeling safe in our communities, IEDs pose a threat to American security.

We must therefore ensure that our state and local bomb squads, SWAT Teams, K-9 units, and public safety dive teams are sufficiently prepared to meet this challenge, as they most certainly will be the first on the scene to respond to the next IED scare. These courageous public servants put their lives on the line every day to keep us safe. The least we can do is to make certain that they have the resources they need and a seat at the table in critical IED policy making discussions. That is why I have introduced this legislation and have worked hard to address these very real needs.

Beginning in April 2006, I worked with Senator ROBERT BYRD to attach a provision to a Homeland Security Appropriations bill requiring DHS to produce a national strategy for IED preparedness.

After numerous delays, and a letter to Homeland Security Secretary

Chertoff from Senator BYRD and me, the National Security Council finally approved the document in late 2007.

Unfortunately, the strategy did not include adequate detail on how state and local input would contribute to the federal government's IED prevention and preparedness. It also failed to create an IED-specific grant program to ensure that State and local governments can carry out their responsibilities under the strategy.

My bill will address the threat of IEDs by:

First, statutorily establishing the Office for Bombing Prevention OBP within FEMA's Grant Programs Directorate.

Second, the bill establishes a Senior Advisory Committee, SAC, for IED Prevention and Response as a subcommittee under the Homeland Security Advisory Council.

Third, the bill requires State, Local, and Practicing Professional input in Advisory Committee Selection, giving voice to our First Responders who understand first-hand the needs of our communities.

Fourth, the legislation establishes a risk-based IED Prevention and Response Grant Program within the Homeland Security Department's Grant Program Directorate to specifically provide funds for equipment, training, and personnel in areas where DHS has identified shortfalls.

Last, my bill requires the Coast Guard to assess the preparedness of our Nation's Public Safety Dive Teams, PSDT, in the completion of Area Maritime Transportation Security and Facility Plans.

Mr. President, we can no longer afford to sit on our hands while many of our IED First Responders have to scrape by with antiquated equipment and training.

We have an opportunity to be proactive, to prepare for the unthinkable events that befell the people of London and Madrid, just a few short years ago.

Our Nation needs demonstrated capability in this vital area, and we in Congress need to lead. I urge my colleagues to join me in this endeavor.

By Mr. AKAKA:

S. 2961. A bill to amend title 38, United States Code, to enhance the refinancing of home loans by veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce a bill that will offer veterans more options for refinancing their mortgages. My legislation would raise the guarantee on VA refinance loans and decrease equity requirements for refinancing to a VA loan. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

At present, the maximum VA loan guaranty limit for all loans in excess of \$144,000, except regular refinance loans, is equal to 25 percent of the Freddie Mac conforming loan limit for a single

family home. Presently this is \$104,250. This means lenders making loans up to \$417,000 will receive at least a 25 percent guaranty, which is typically required to place the loan on the secondary market.

However, current law limits to \$36,000 the guaranty that can be used for a regular refinance loan. This restriction means a refinance over \$144,000 will result in a lender not receiving 25 percent backing from VA and probably not making the loan at all. This situation essentially precludes a veteran from being able to refinance his or her existing FHA or conventional loan into a VA guaranteed loan if the loan is greater than \$144,000.

To assist veterans in overcoming this obstacle in refinancing, this legislation would increase the maximum guaranty limit for refinance loans to the same level as conventional loans—25 percent limit for a single family home. Importantly, this increase would make the maximum VA home loan guaranty equal across the board.

This bill will also increase the percentage of an existing loan that VA will refinance from the current maximum of 90 percent to 95 percent, thus allowing more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have ten percent equity and thus are precluded from refinancing to a VA home loan. Given the anticipated number of non-VA adjustable mortgages that are approaching the reset time when payments are likely to increase, it seems prudent to facilitate veterans refinancing to VA loans.

In light of today's housing and home loan crises, these further refinancing options will help some veterans to bridge financial gaps and allow them to stay in their homes and escape possible foreclosures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.**

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is amended by inserting “(5),” after “(3).”

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) of such title is amended by striking “90 percent” and inserting “95 percent”.

By Mr. BOND (for himself, Mrs. BOXER, Mr. STEVENS, Mr. OBAMA, Mr. DOMENICI, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2963. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling

and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOND. Mr. President, there is an issue that has been festering in our military ranks for quite some time that we must address now.

America's warriors voluntarily leave the comfort of their homes and families to serve the greater good under very difficult conditions. They are fighting an incredibly complex battle on an asymmetric battlefield, against an enemy that is not bound by rules of war or human decency. They are courageously protecting our freedoms—each and every day—against those who seek to do us harm. As the father of a two-tour Iraq War Veteran, this issue is very close to my heart, and should be at the forefront of the Senate's day-to-day business.

Many of our military service members bear the physical scars of war. Thanks to advances in modern medicine and the efforts of brilliant medical personnel in the field, many of our war-wounded are able to return to a relatively normal life. Our practice of compensating disabled veterans financially helps our heroes reintegrate and assume again civilian status.

A growing concern revolves around those soldiers, sailors, airmen and Marines who return home with invisible injuries, the psychological wounds of war that have had a huge impact on a large percentage of our military forces.

Post Traumatic Stress Disorder, PTSD, Traumatic Brain Injuries, TBI, are not quickly diagnosed because we cannot see them. But we know they exist, and they often manifest years later and wreak all sorts of havoc on our military, on our military families, and on our society.

The recently-released Rand Study and American Psychiatric Association studies acknowledge the issue and paint a bleak social and financial future. The question is: What are we doing to help these men and women? The answer now is: Not enough. There are simply not enough resources available to our combat veterans to deal adequately with the problem.

Today we are proposing legislation that will address this crisis. Our proposal will address both short- and long-term solutions for those suffering from PTSD and TBI. We will increase our troops' access to qualified behavioral-health specialists and increase the number of those specialists annually in an effort to treat our men and women and help them cope with their ailments.

My staff has worked closely with the VA on these proposals and our legislation has the support of the Iraq and Afghanistan Veterans' Association and Veterans for Common Sense.

First, our bill improves veterans' access to care by expanding the use of our Vet Centers. Currently, our Active, Guard, and Reserve military personnel do not have access to the VA's Vet Centers, community-based counseling

centers which are successfully providing mental health care to veterans.

An estimated 30 percent of troops return from combat suffering from Post Traumatic Stress Disorder, Traumatic Brain Injury, or other mental health problems. But there are grossly insufficient numbers of military behavioral health specialists to provide the care our troops need. Recent testimony from all military Surgeons General highlighted the shortage of mental health professionals service-wide.

This legislation will give our troops the same access to Vet Centers our veterans receive for mental health care, which not only opens the door to additional resources but also lightens the load on our currently over-tasked specialists. Additionally, the legislation will reduce the stigma associated with behavior disorders by allowing troops to seek treatment outside of conventional military channels.

We also propose to enhance the recruitment and training of Military Behavioral Health Specialists through a scholarship program that targets former service members or service members preparing to separate from the military.

This legislation, overseen by the Veterans Health Administration, will provide incentives for retiring or separating military personnel and veterans to pursue an education in the behavioral health field. Over time, that will alleviate the shortage of behavioral health specialists who serve our troops and veterans.

The estimated cost to recruit an additional 80 to 90 behavioral health specialists a year is \$1.5–\$2 million annually. This program would pay for itself if it were to save just one veteran from developing 100 percent service-connected PTSD.

We also propose extending the survivor benefits for Service Members who commit suicide and have a medical history of PTSD or TBI.

We know that mental-health issues often manifest long after the service member has left active duty. As a result, Congress has extended free health care to five years for recently-discharged veterans with any condition that may be related to their combat service.

Unfortunately, survivor benefits have not kept up with this logic. Current coverage for veterans who commit suicide does not take into account the time it takes for PTSD and TBI to manifest.

This legislation guarantees benefits for any Service Member who commits suicide within two years of separation or retirement from the military, provided they have a documented medical history of a combat-related mental-health condition, including PTSD or TBI.

The Service Member's survivor will be entitled to the same Social Security, Survivor Benefit Plan, Veteran's Affairs Benefits, and active duty burial benefits that they would have received

had the Service Member died on their last day of active duty.

Our legislation also creates a grant program for non-profit organizations to provide support services to the families of our deceased Active, Guard, and Reserve Military personnel and Veterans.

The psychological impact associated with the loss of a loved one in a combat zone is tremendous. Unfortunately, there are not adequate numbers of military Casualty Assistance Officers to serve surviving families. While non-profit organizations have professional staff that provide long-term and peer-based emotional support, Department of Defense Casualty Assistance Officers are only temporarily detailed to these duties and often are unfamiliar with the regulations or the emotional needs of surviving families.

This legislation establishes a competitive federal grant program for non-profit support organizations to provide vital support services to the surviving families of deceased military personnel.

Next, our legislation will ensure the fair treatment and care of all of our military personnel, including those whose discharges may have been caused by combat-related mental-health condition, including Post Traumatic Stress Disorder or Traumatic Brain Injury.

Many of those who are forced to leave the military because of performance issues such as substance abuse or anger problems have underlying mental health conditions such as TBI or PTSD that are not being properly diagnosed.

In many cases the military has inappropriately discharged these veterans, and they subsequently lose access to VA care and other benefits.

No veteran that has served this nation in combat should be denied the benefits they earned on the battlefield. This provision allows the VA to screen the veteran's discharge, and, if the veteran is found to have been improperly diagnosed, to take action to correct the problem accordingly.

Specifically, this legislation would reinstate the provision repealed from the law in 1996 giving the Vet Centers the authority to help the new generation of war veterans to resolve any problems presented with the character of their discharges.

Finally, our legislation will better prepare our troops for combat through the creation of a pilot program at Ft. Leonard Wood, Missouri and Ft. Carson, Colorado. We will provide comprehensive training to educate U.S. military personnel on Post Traumatic Stress Disorder—how to prevent it, how to recognize it when it occurs, and what to do about it when it happens. We hope to build resiliency, enhance performance, and mitigate stress among the troops.

The rise in PTSD cases demands a new approach to preparing U.S. military personnel and their families for the stresses associated with combat.

The pilot program is designed to enhance the individual's neurophysiological understanding of stress and trauma resolution and to equip them with performance-enhancing skills drawn from both the military special-operations community and the elite sports world.

The program will train and support an Army Brigade Combat Team and their families at all stages of a soldier's tour: pre-deployment, mid-deployment and post-deployment.

Addressing PTSD head on through self-awareness training will teach military personnel to cope better with combat-related issues and reduce the need and cost for long-term treatment.

The long-term effects of untreated mental illness are severe: drug and alcohol abuse, job and marital problems, even suicide.

We can prevent much of this unfortunate legacy by prompt and effective treatment when our troops come home.

We are all the beneficiaries of the sacrifices of others. Our responsibility is to continue to improve the ways in which we support our troops and their families.

They do not take our freedom for granted; we should not take their sacrifices for granted.

I ask my colleagues on both sides of the aisle to support these proposals.

By Mr. AKAKA:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation to address personnel issues in the Department of Veterans Affairs. This legislation, proposed Veterans' Medical Personnel Recruitment and Retention Act of 2008, would help ensure that VA has the workforce necessary to serve America's veterans most effectively.

Health care providers are the backbone of the VA system. Yet today, the Department faces a shortage of these professionals. Around the country, too many facilities are understaffed, at the cost of services for veterans. A recent report by the Partnership for Public Service gave the Veterans Health Administration poor marks for pay and benefits, and for family support. VHA also rated poorly among younger employees. To be the health care employer of choice, VA must be able to offer competitive salaries, work schedules, and benefits.

As Chairman of the Committee on Veterans' Affairs, I held a hearing on April 9, 2008, that focused on personnel issues within the VA health care system. We heard detailed testimony from VA administrators and health care providers. Their testimony outlined the challenges VA faces, and suggested possible solutions.

This legislation would benefit a wide range of positions within VA. Here are



some of the challenges VA faces, and the solutions I propose.

Local labor markets for health care providers vary widely, and VA must be better prepared to compete in every market. Locality pay surveys are a crucial tool in this effort. However, a recent GAO report on nurse anesthetists revealed a locality pay system that is inconsistent and often dysfunctional. The bill I am introducing would make implementation of locality pay surveys more effective by requiring additional training on proper implementation, and improving transparency to allow for better oversight.

This legislation would also encourage retention of experienced professionals by removing salary offsets for retired employees who choose to return to work at VA. In the coming years, a significant portion of the VA workforce will reach the age of retirement. Eliminating the salary offset by the amount of an employee's retirement annuity would encourage these experienced professionals to return to VA.

Education benefits are often among the chief advantages of employment at VA, and I believe these benefits can be used for an even greater effect. VA has extensive programs to encourage further education within their workforce, and to provide financial assistance for employees with educational debt. This legislation would increase yearly benefit limits on the Education Debt Reduction Program—EDRP—and would broaden the goals of that program to include retention as well as recruitment. In so doing, the EDRP would be made available to both long-time VA employees and new hires. It would also reauthorize the Health Professionals Scholarship Program, and would broaden eligibility to a wider range of health professions.

Further, to make VA more attractive to clinical researchers, this legislation would provide VA with authorities similar to the Loan Repayment Program of the National Health Service Corps. VA would be authorized to use funds from medical services appropriations to help researchers in need of financial assistance to payoff their education loans. This program would complement EDRP, which is not available to researchers.

In recent years, VA has been challenged to retain top administrators, especially those who have spent their careers at VA. Their expert knowledge is indispensable to the effective management of the VA health care system. However, given the high rates of compensation available outside of VA, retention of these professionals is often difficult. This legislation would provide VA with the authority to pay national administrators additional compensation so as to better compete with the private sector. It would also give VA the authority to increase, under limited circumstances, compensation for pharmacists, doctors, and dentists, in order for VA to be more competitive in local labor markets.

VA faces many challenges in recruiting and retaining nurses. I have worked with VA administrators and nurses to develop solutions to these challenges. This legislation would give VA more tools to attract and keep these employees.

Alternative work schedules are now commonly available in other health care systems. At VA, part-time and alternative work schedules are under-utilized, and as a result, VA loses prospective hires and damages employee morale. This legislation would clarify alternative work schedule and weekend duty rules. By making these schedules easier to implement, it is my hope that VA will expand their use.

This bill would also make it easier for VA to hire and retain part-time nurses by limiting probationary periods and expanding eligibility for overtime pay. For nurses who transition from full-time to part-time, this legislation would eliminate the probationary period they are now required to serve. This provision would be extremely helpful in encouraging experienced nurses to extend their careers at VA beyond the customary age of retirement.

In many locations, VA cannot compete with other health care systems for many nursing positions, particularly certified registered nurse anesthetists—CRNAs—and licensed practical and vocational nurses. A recent GAO report on CRNAs in VA noted that VA spends thousands of dollars on contract nurses to cover staffing gaps. The use of contract nurses, while appropriate in some situations, is not a permanent solution to the long-term staffing shortfall. The bill I am introducing would raise or eliminate pay caps currently placed on these difficult-to-fill positions. These provisions are derived directly from testimony the Committee heard from VA nurses and administrators at the April 9, 2008, hearing.

This legislation would also clarify rules about emergency duty for VA nurses. The use of emergency mandatory overtime has been an issue in many VA facilities, and in other health care systems. I believe this legislation provides a reasonable solution. By standardizing the definition of "emergency," it would facilitate more consistent and equitable use of emergency mandatory overtime.

I believe that this legislation will give VA the tools it needs to recruit and retain the best health care professionals in the Nation. I also anticipate that it will improve employee morale, as well as improving transparency and oversight. As we have heard many times, VA faces a looming retirement crisis. The solutions proposed in this legislation seek to address these challenges.

I urge my colleagues to support the proposed Veterans' Medical Personnel Recruitment and Retention Act of 2008.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2969

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Medical Personnel Recruitment and Retention Act of 2008".

#### SEC. 2. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38 STATUS TO ADDITIONAL POSITIONS.—

(1) IN GENERAL.—Paragraph (3) of section 7401 of title 38, United States Code, is amended by striking "and blind rehabilitation outpatient specialists." and inserting the following: "blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

"(A) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

"(B) Before submitting notice under subparagraph (A), the Secretary shall solicit comments from any labor organization representing employees in such class and include such comments in such notice."

(2) APPOINTMENT OF NURSE ASSISTANTS.—Such paragraph is further amended by inserting "nurse assistants," after "licensed practical or vocational nurses,".

(b) PROBATIONARY PERIODS FOR NURSES.—Section 7403(b) of such title is amended—

(1) in paragraph (1), by striking "Appointments" and inserting "Except as otherwise provided in this subsection, appointments";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) An appointment of a nurse under this chapter, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of 4,180 hours of work pursuant to such appointment.

"(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period."

(c) PROHIBITION ON TEMPORARY PART-TIME NURSE APPOINTMENTS IN EXCESS OF 4,180 HOURS.—Section 7405(f)(2) of such title is amended by inserting after "year" the following: ", except that a part-time appointment of a nurse shall not exceed 4,180 hours".

(d) WAIVER OF OFFSET FROM PAY FOR CERTAIN REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—Section 7405 of such title is amended by adding at the end the following:

"(g)(1) The Secretary may waive the application of sections 8344 and 8468 of title 5 (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system on a case-by-case basis for an annuitant reemployed on a temporary basis under the authority of subsection (a) in a position described under paragraph (1) of that subsection.

“(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be considered an employee for purposes of any Government retirement system.

“(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all labor authority and labor representative collective bargaining agreements) applicable to the position to which appointed.

“(4) In this subsection:

“(A) The term ‘annuitant’ means an annuitant under a Government retirement system.

“(B) The term ‘employee’ has the meaning under section 2105 of title 5.

“(C) The term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply to pay periods beginning on or after such effective date.

(e) MINIMUM RATE OF BASIC PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH SET TO LOWEST RATE OF BASIC PAY PAYABLE FOR A SENIOR EXECUTIVE SERVICE POSITION.—

(1) IN GENERAL.—Section 7404(a) of such title is amended—

(A) by striking “The annual” and inserting “(1) The annual”;

(B) by striking “The pay” and inserting the following:

“(2) The pay”;

(C) by striking “under the preceding sentence” and inserting “under paragraph (1)”;

and

(D) by adding at the end the following:

“(3) The minimum rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) may not be less than the lowest rate of basic pay payable for a Senior Executive Service position under section 5382 of title 5.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the first day of the first pay period beginning after the day that is 180 days after the date of the enactment of this Act.

(f) COMPARABILITY PAY PROGRAM FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—Section 7410 of such title is amended—

(1) by striking “The Secretary may” and inserting “(a) IN GENERAL.—The Secretary may”;

and

(2) by adding at the end the following new subsection:

“(b) COMPARABILITY PAY FOR APPOINTEES TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1) The Secretary may authorize the Under Secretary for Health to provide comparability pay of not more than \$100,000 per year to individuals of the Veterans Health Administration appointed under section 7306 of this title who are not physicians or dentists to achieve annual pay levels for such individuals that are comparable with annual pay levels of individuals with similar positions in the private sector.

“(2) Comparability pay under paragraph (1) for an individual is in addition to all other pay, awards, and performance bonuses paid to such individual under this title.

“(3) Except as provided in paragraph (4), comparability pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

“(4) Comparability pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

“(5) Comparability pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.”

(g) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—Section 7410 of such title, as amended by subsection (f), is further amended by adding at the end the following new subsection:

“(c) SPECIAL INCENTIVE PAY FOR DEPARTMENT PHARMACIST EXECUTIVES.—(1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than \$40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

“(2) In determining whether and how much special pay to provide to such individual, the Under Secretary shall consider the following:

“(A) The grade and step of the position of the individual.

“(B) The scope and complexity of the position of the individual.

“(C) The personal qualifications of the individual.

“(D) The characteristics of the labor market concerned.

“(E) Such other factors as the Secretary considers appropriate.

“(3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.

“(4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

“(5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

“(6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.”

(h) PAY FOR PHYSICIANS AND DENTISTS.—

(1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE.—Section 7431(b) of such title is amended by adding at the end the following:

“(5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.”

(2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS.—Section 7431(c)(4)(B)(i) of such title is amended by adding at the end the following: “The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.”

(3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY.—Section 7431(c)(7) of such title is amended by striking “concerned.” and inserting “concerned, unless there is a change in board certification or reduction of privileges.”

(i) ADJUSTMENT OF PAY CAP FOR NURSES.—Section 7451(c)(2) of such title is amended by striking “title 5” and inserting “title 5 or the level of GS–15 as prescribed under section 5332 of such title, whichever is greater”.

(j) EXEMPTION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS FROM LIMITATION ON

AUTHORIZED COMPETITIVE PAY.—Section 7451(c)(2) of such title is further amended by adding at the end the following new sentence: “The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.”

(k) LOCALITY PAY SCALE COMPUTATIONS.—

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS.—Section 7451(d)(3) of such title is amended by adding at the end the following new subparagraph:

“(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health-care facilities in the conduct and use of surveys under this paragraph.”

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) of such title is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.”

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS.—Section 7451(e) of such title is further amended by adding at the end the following new paragraph:

“(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

“(B) An individual described in this subparagraph is—

“(i) an individual in a covered position at a Department health-care facility; or

“(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.”

(1) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(g)(2) of such title is amended by striking “\$25,000” and inserting “\$100,000”.

(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL NURSE PAY.—

(1) IN GENERAL.—Section 7453 of such title is amended—

(A) in subsection (a), by striking “a nurse” and inserting “a full-time nurse or part-time nurse”;

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking “on a tour of duty”;

(II) by striking “on such tour”;

and

(III) by striking “of such tour” and inserting “of such service”;

(ii) in the second sentence, by striking “of such tour” and inserting “of such service”;

(C) in subsection (c)—

(i) by striking “on a tour of duty”;

(ii) by striking “on such tour”;

and

(D) in subsection (e)—

(i) in paragraph (1), by striking “eight hours in a day” and inserting “eight consecutive hours”;

and

(ii) in paragraph (5)(A), by striking “tour of duty” and inserting “period of service”.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Section 7454(b)(3) of such title is amended to read as follows:

“(3) Employees appointed under section 7408 of this title performing service on a tour

of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay."

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(c)(1) of such title is amended by inserting after "nurse anesthetists," the following: "licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5."

### SEC. 3. LIMITATIONS ON OVERTIME DUTY, WEEK-END DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

#### (a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

#### "§ 7459. Nurses: special rules for overtime duty

"(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require a nurse to work more than 40 hours (or 24 hours if such nurse is covered under section 7456) in an administrative work week or more than eight consecutive hours (or 12 hours if such nurse is covered under section 7456 or 7456A).

"(b) VOLUNTARY OVERTIME.—(1) A nurse may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

"(2) The refusal of a nurse to work hours prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-3(a))) against the nurse, dismissal or discharge of the nurse, or any other adverse personnel action against the nurse.

"(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require a nurse to work hours otherwise prohibited by subsection (a) if—

"(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

"(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

"(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

"(D) the nurse has critical skills and expertise that are required for the work; and

"(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

"(2) A nurse may not be required to work hours under this subsection after the requirement for a direct role by the nurse in responding to medical needs resulting from the emergency ends.

"(d) NURSE DEFINED.—In this section, the term 'nurse' includes the following:

"(1) A registered nurse.

"(2) A licensed practical or vocational nurse.

"(3) A nurse assistant appointed under this chapter or title 5.

"(4) Any other nurse position designated by the Secretary for purposes of this section."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7458 the following new item:

"7459. Nurses: special rules for overtime duty."

(b) WEEKEND DUTY.—Section 7456 of such title is amended—

(1) in subsection (a) by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour periods of service";

(2) in subsection (b)—

(A) in paragraph (2), by striking "service performed as part of a regularly scheduled 12-hour tour of duty" and inserting "any service performed"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "regularly scheduled two 12-hour tours of duty" and inserting "scheduled 12-hour period of service";

(ii) in subparagraph (B), by striking "regularly scheduled two 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(iii) in subparagraph (C), by striking "regularly scheduled two 12-hour tours of duty" and inserting "scheduled two 12-hour periods of service";

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) of such title is amended by striking "three regularly scheduled" and all that follows through the period at the end and inserting "six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period."

(2) CONFORMING AMENDMENTS.—Section 7456A(b) of such title is amended—

(A) in the subsection heading, by striking "36/40" and inserting "72/80";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "40-hour basic work week" and inserting "80-hour pay period";

(ii) in subparagraph (B), by striking "regularly scheduled 36-hour tour of duty within the work week" and inserting "scheduled 72-hour period of service within the bi-weekly pay period";

(iii) in subparagraph (C)—

(I) in clause (i), by striking "regularly scheduled 36-hour tour of duty within an administrative work week" and inserting "scheduled 72-hour period of service within an administrative pay period";

(II) in clause (ii), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(III) in clause (iii), by striking "regularly scheduled 36-hour tour of duty work week" and inserting "scheduled 72-hour period of service pay period"; and

(iv) in subparagraph (D), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(C) in paragraph (3), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service".

### SEC. 4. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

(a) REINSTATEMENT OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—Section 7618 of title 38, United States Code, is amended by striking "December 31, 1998" and inserting "December 31, 2013".

(2) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 7612(b) of such title is amended by striking "(under section)" and all that follows through the period at the end and inserting the following: "as an appointee under paragraph (1) or (3) of section 7401 of this title."

(b) IMPROVEMENTS TO EDUCATION DEBT REDUCTION PROGRAM.—

(1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) of

such title is amended by inserting "and retention" after "recruitment" the first time it appears.

(2) ELIGIBILITY.—Section 7682 of such title is amended—

(A) in subsection (a)(1), by striking "a recently appointed" and inserting "an"; and

(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE.—Section 7683(d)(1) of such title is amended—

(A) by striking "\$44,000" and inserting "\$60,000"; and

(B) by striking "\$10,000" and inserting "\$12,000".

(c) LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288-5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans for the Veterans Health Administration for Medical Services.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 544—DESIGNATING MAY 5 THROUGH 9, 2008, AS NATIONAL SUBSTITUTE TEACHER RECOGNITION WEEK

Mr. HATCH (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas, on average, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers;

Whereas, on any given day in the United States, more than 270,000 classes are taught by substitute teachers;

Whereas formal training of substitute teachers has been shown to improve the quality of education, lower school district liability, reduce the number of student and faculty complaints, and increase retention rates of substitute teachers;

Whereas a strong, effective system of education for all children and youth is essential to our Nation's continued strength and prosperity;

Whereas much of a child's growth and progress can be attributed to the efforts of dedicated teachers and substitute teachers who are entrusted with the child's educational development;

Whereas substitute teachers play a vital role in maintaining continuity of instruction and a positive learning environment in the absence of a permanent classroom teacher; and

Whereas substitute teachers should be recognized for their dedication and commitment: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 5 through 9, 2008, as the 7th annual National Substitute Teacher Recognition Week;

(2) recognizes the important and vital role substitute teachers play in a child's education; and

(3) encourages educational institutions to observe the week with appropriate events and activities.

# SENATE RESOLUTION 545—HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and a significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas, on April 30, 2008, El Dorado High School students who receive El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) recognizes April 30, 2008, as the second Academic Signing Day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

# SENATE RESOLUTION 546—DESIGNATING MAY 2008 AS “NATIONAL PHYSICAL FITNESS AND SPORTS MONTH” AND THE WEEK OF MAY 1 THROUGH MAY 7, AS “NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK”

Mr. THUNE (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 546

Whereas regular physical activity helps increase endurance, strengthen bones and muscles, control weight, and reduce anxiety and stress, and may improve blood pressure and cholesterol levels;

Whereas about ⅓ of young people in the ninth through 12th grades do not engage in recommended levels of physical activity, and daily participation in high school physical education classes has declined over the last 7 years;

Whereas 39 percent of adults report they are not physically active, and only 3 in 10 adults engage in the recommended amount of physical activity;

Whereas, in 2004, more than 9,000,000 children and adolescents in the United States between the ages of 6 and 19 were considered overweight;

Whereas obesity and inactivity are 2 major risk factors for developing type 2 diabetes, a disease that affects millions of people in the United States;

Whereas many chronic diseases may be prevented by living a healthy lifestyle that includes regular physical activity and a balanced diet;

Whereas, according to the Centers for Disease Control and Prevention, the American Heart Association, and the American College of Sports Medicine, minimum physical activity for adults consists of moderate activity for 30 minutes 5 days a week or vigorous activity for 20 minutes 3 days a week;

Whereas, according to a 1996 report by the Surgeon General, positive experiences with physical activity at a young age help to lay the foundation for being active throughout life;

Whereas the President's Council on Physical Fitness and Sports promotes regular physical activity to achieve and maintain good health and to prevent chronic disease and offers motivational tools through the President's Challenge program for people of all ages to track physical activity; and

Whereas the month of May has been recognized since 1983 as National Physical Fitness and Sports Month to encourage physical fitness and activity and to promote health in children and adults of all ages: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates—

(A) May 2008 as “National Physical Fitness and Sports Month”; and

(B) the week of May 1 through May 7, 2008, as “National Physical Education and Sports Week”; and

(2) encourages the people of the United States to observe the month and the week with appropriate ceremonies and activities.

# SENATE RESOLUTION 547—DESIGNATING THE WEEK OF MAY 4 THROUGH MAY 10, 2008 AS “NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK” AND MAY 7, 2008, AS “OCCUPATIONAL SAFETY AND HEALTH PROFESSIONALS DAY”

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. KENNEDY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 547

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more incur occupational injuries and illnesses in the United States;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were

6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated \$230,600,000,000 in tangible costs;

Whereas businesses spend \$170,000,000,000 a year on costs associated with occupational injuries and illnesses;

Whereas it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace—wherever that workplace may be, such as on the road, in the air, the classroom, the store, the plant, or the office;

Whereas each year the families, friends, and co-workers of victims of on-the-job accidents suffer intangible losses and grief, especially when proper safety measures could have prevented worker injury or death;

Whereas everyday millions of people go to and return home from work safely due, in part, to the efforts of occupational safety, health, and environmental practitioners who work day in and day out identifying hazards and implementing safety and health advances across industries and workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the purpose of the North American Occupational Safety and Health Week (NAOSH) is to raise awareness among employees, employers, and the general public of the benefits of investing in occupational safety and health;

Whereas the more than 32,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the American Association of Occupational Health Nurses, the American Heart Association, and the National Association of Homebuilders, will be mobilizing to encourage safe practices, and increase the quality of life for employees and employers;

Whereas the theme of NAOSH Week 2008 is “safety is good business”, highlighting that businesses operate more efficiently and are more respected when they use effective safety and health management systems; and

Whereas, on May 7, 2008, occupational safety and health professionals will be recognized during the 3rd annual Occupational Safety and Health Professionals Day for the work they do to keep people safe at work: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 4 through 10, 2008, as “North American Occupational Safety and Health Week”; and

(2) designates May 7, 2008, as “Occupational Safety and Health Professionals Day”; and

(3) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(4) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(5) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 4 through May 10, 2008, and throughout the year; and

(6) urges all people of the United States to continue to act responsibly and to be safe at work so that the millions of people who go to work return home safely every day to their families and friends.

**SENATE RESOLUTION 548—RECOGNIZING THE ACCOMPLISHMENTS OF THE MEMBERS AND ALUMNI OF AMERICORPS AND THE CONTRIBUTIONS OF AMERICORPS TO THE LIVES OF THE PEOPLE OF THE UNITED STATES**

Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Mrs. MURRAY, Mr. WICKER, Mr. OBAMA, Mr. SMITH, Mr. BROWN, Mr. DURBIN, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. BAYH, Mr. CASEY, Mr. MENENDEZ, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 548

Whereas, since the inception of the AmeriCorps national service program in 1994, AmeriCorps has proven to be highly effective at promoting the ethic of service and volunteering and engaging people in the United States in meeting a wide range of local needs;

Whereas, since 1994, more than \$5,000,000,000 in AmeriCorps funds have been invested in nonprofit, community, educational, and faith-based groups, and those funds have led to the contribution of hundreds of millions of dollars of additional funds and in-kind donations from other sources;

Whereas, since 1994, approximately 542,000 people have taken the AmeriCorps pledge to “get things done for America” by becoming AmeriCorps members;

Whereas, each year, AmeriCorps provides opportunities for 75,000 people across the United States to give back in an intensive way to their districts, their States, and the Nation;

Whereas AmeriCorps members have served a total of more than 705,000,000 hours nationwide, helping to improve the lives of the Nation’s most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system of the United States;

Whereas, in 2007, AmeriCorps members recruited and supervised more than 1,700,000 community volunteers, demonstrating the value of AmeriCorps as a powerful force for encouraging people to become involved in volunteering;

Whereas, in 2007, AmeriCorps members served 4,100 nonprofit organizations, schools, and faith-based and community organizations;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly \$1,430,000,000 to use to further their own educational advancement at the Nation’s colleges and universities;

Whereas, after AmeriCorps members complete their terms of service, those members remain engaged in their communities as volunteers, teachers, and nonprofit professionals in exceptionally high levels; and

Whereas “AmeriCorps Week” is observed the week beginning May 11, 2008, and is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact on the lives of people in the United States, to thank AmeriCorps’s community partners for making the program possible, and to encourage more people in the United States to become involved in service and volunteering: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages the people of the United States to join in a national effort to salute

AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the members, alumni, and community partners of AmeriCorps;

(3) recognizes the important contributions of AmeriCorps members and alumni to the lives of the people of the United States; and

(4) encourages people of all ages to consider opportunities to serve in AmeriCorps.

Mr. DODD. Mr. President, I rise today along with Senator COCHRAN and others to celebrate the achievements of the members and alumni of AmeriCorps and to recognize the week of May 11, 2008, as “AmeriCorps Week.” These young men and women have dedicated their time and efforts toward improving the lives of all Americans by protecting the environment, strengthening education, responding to disasters, and supporting public health and safety.

Since 1994, AmeriCorps has encouraged citizens to volunteer, serve, and address the unmet needs of our Nation. About 542,000 people have become AmeriCorps members and have pledged “to get things done for America.” These citizens have provided more than 705,000,000 hours of service, hard work, and dedication to improve our communities. In addition, since its inception, more than \$5 billion of AmeriCorps funds have been invested back into our communities and have helped leverage hundreds of millions of dollars of additional funds and in-kind donations from external sources.

Last year, 75,000 AmeriCorps members were able to give back to this Nation, and those members recruited more than 1,700,000 community volunteers to join them in their mission. Their volunteers served in over 4,000 nonprofit organizations, schools, and faith-based and community organizations across the country.

In return for service, AmeriCorps members have earned more than \$1.4 billion to go toward furthering their education, and after completing their service, many alumni remain engaged in their communities as volunteers, teachers, and nonprofit professionals.

In my home State of Connecticut, since AmeriCorps was created, more than 7,000 AmeriCorps members have served about 9.5 million hours and earned over \$20 million toward their education. From my own experience as a Peace Corps member, I know it takes a tremendous amount of perseverance, commitment, and passion to serve, but I also know the emotional reward achieved in dedicating your time to help others. Emerson wrote, “It is one of the most beautiful compensations of life that no man can sincerely try to help another without helping himself.” It is my hope that all Americans take the opportunity to develop a deeper sense of community, a renewed sense of national purpose, and a shared experience of sacrifice to serve our country.

During this “AmeriCorps Week,” we must take the time to recognize, salute, and thank those Americans who

have answered the call to serve by joining AmeriCorps; we must acknowledge the tremendous accomplishments and important contributions of the AmeriCorps members, alumni, and community partners; and, we must raise awareness about the importance of national and community service. Our collective imaginations, ideas, energy, and resolve are needed to solve our Nation’s problems and rekindle our American community. I encourage citizens of all ages to consider serving in AmeriCorps and contributing their skills and talents to bettering this Nation.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4635. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4636. Mr. REID proposed an amendment to the bill H.R. 2881, *supra*.

SA 4637. Mr. REID proposed an amendment to amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, *supra*.

SA 4638. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4639. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4640. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4641. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Ms. COLLINS, Mr. CONRAD, Mr. ENZI, Mr. HAGEL, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. NELSON, of Nebraska, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. WICKER, Mr. JOHNSON, Mr. SPECTER, and Mr. BROWNBAC) submitted an amendment intended to be proposed by him to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4642. Mr. ROCKEFELLER proposed an amendment to amendment SA 4637 proposed by Mr. REID to the amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, *supra*.

SA 4643. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4644. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4645. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4646. Mr. BROWNBAC submitted an amendment intended to be proposed by him to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4647. Mr. BROWNBAC submitted an amendment intended to be proposed to amendment SA 4590 submitted by Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) and intended to be proposed to the bill H.R. 2881, *supra*; which was ordered to lie on the table.

SA 4648. Mr. VITTER (for himself, Mr. CRAIG, Mr. SPECTER, Mr. THUNE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4649. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4582 submitted by Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) and intended to be proposed to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4650. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4651. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4652. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4653. Ms. CANTWELL (for Mr. REID) proposed an amendment to the resolution S. Res. 494, expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

#### TEXT OF AMENDMENTS

**SA 4635.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 12 and 13, insert the following:

**SEC. 520. STUDY OF EFFECT OF PROPOSED STRUCTURES NEAR AIRPORTS ON ONE ENGINE INOPERATIVE PROCEDURES.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on the effect of buildings and other structures that are proposed to be built near airports on emergency procedures relating to aircraft that have one engine inoperative to determine if such buildings and structures are likely to—

(1) obstruct the flight of aircraft operating under one engine inoperative procedures; or

(2) result in delays in the movement of passengers through airports.

(b) REPORT.—

(1) IN GENERAL.—If the Administrator determines that buildings and other structures proposed to be built near airports are likely to cause an obstruction described in subsection (a)(1) or result in delays described in subsection (a)(2), the Administrator shall, not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the results of the study required under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an assessment of the extent of any obstructions described in subsection (a)(1) and any delays described in subsection (a)(2);

(B) recommendations for addressing such obstructions and delays; and

(C) recommendations regarding whether the obstacle evaluation process for proposed development near airports should be revised

to take into account the effect of development on emergency procedures relating to aircraft that have one engine inoperative.

**SA 4636.** Mr. REID proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

The provision of this act shall become effective 2 days after enactment.

**SA 4637.** Mr. REID proposed an amendment to amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike “2” and insert “1”.

**SA 4638.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 23 and all that follows through page 69, line 2, and insert the following:

“(5)(A) There is established the position of Senior Vice President for the Next Generation Air Transportation System in the Air Traffic Organization of the Federal Aviation Administration, who shall be appointed by the Administrator of the Federal Aviation Administration and report to the Chief Operating Officer of the Federal Aviation Administration.

“(B) The Senior Vice President for the Next Generation Air Transportation System shall—

“(i) be the head of the Office; and

“(ii) be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.”;

**SA 4639.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 22, strike “and”.

On page 32, line 25, strike the period and insert “; and”.

On page 32, after line 25, insert the following:

(4) by adding at the end thereof the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 1632)) owned and controlled by disabled veterans.”.

**SA 4640.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on greenhouse gas emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emissions reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(2) other appropriate Federal agencies and departments.

**SA 4641.** Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Ms. COLLINS, Mr. CONRAD, Mr. ENZI, Mr. HAGEL, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. WICKER, Mr. JOHNSON, Mr. SPECTER, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:



On page 111, between lines 14 and 15, insert the following:

**SEC. 417. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.**

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

(c) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

**SA 4642.** Mr. ROCKEFELLER proposed an amendment to amendment SA 4637 proposed by Mr. REID to the amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike “1” and insert “3.”

**SA 4643.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 714 of this Act, is further amended by adding at the end the following:

**“§ 41725. Prohibitions against voice communications using mobile communications devices on scheduled flights**

“(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(2) FLIGHT CREW AND FLIGHT ATTENDANTS.—The prohibition described in paragraph (1) shall not apply to a member of the flight crew or flight attendants on an aircraft.

“(b) FOREIGN AIR TRANSPORTATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

“(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that such paragraph provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government at such time as

an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

“(c) DEFINITIONS.—In this section:

“(1) FLIGHT.—The term ‘flight’ means the period beginning when an aircraft takes off and ending when an aircraft lands.

“(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—The term ‘voice communications using a mobile communications device’—

“(A) includes voice communications using—

“(i) a commercial mobile radio service or other wireless communications device;

“(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

“(iii) a device having voice override capability; and

“(B) does not include voice communications using a phone installed on an aircraft.

“(d) SAFETY REGULATIONS.—This section may not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 417, as amended by section 714, is further amended by adding at the end the following:

“Sec. 41725. Prohibitions against voice communications using mobile communications devices on scheduled flights.”.

**SA 4644.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LOST NATION AIRPORT, OHIO.**

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the City of Willoughby, Ohio to Lake County, Ohio, if Lake County—

(1) meets all applicable requirements for sponsorship of the airport;

(2) agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the City of Willoughby under chapter 471 of title 49, United States Code; and

(3) agrees to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may use funds made available under section 48103 of title 49, United States Code, to award a grant to Lake County, Ohio to assist in the purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be equal to the lesser of—

(A) 90 percent of the purchase price for the Lost Nation Airport; and

(B) \$1,220,000.

(3) APPROVAL.—The Secretary may not award a grant under this subsection unless the Secretary receives written assurances re-

quired under section 47107 of title 49, United States Code, with respect to such grant and the Lost Nation Airport.

(c) TREATMENT OF SALE PROCEEDS.—To the extent necessary to allow the City of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the City of Willoughby, the Secretary may waive—

(1) the provisions of sections 47107 and 47133 of title 49, United States Code;

(2) any obligations to which the City of Willoughby is subject as a result of a grant received from the Federal Aviation Administration; and

(3) any regulation or policy of the Federal Aviation Administration.

**SA 4645.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 12 strike everything after “5 operations.” through line 19.

**SA 4646.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COMMISSION ON THE FUTURE OF THE UNITED STATES COMMERCIAL AND GENERAL AVIATION INDUSTRY.**

(a) ESTABLISHMENT.—There is established a commission to be known as the “Commission on the Future of the United States Commercial and General Aviation Industry”.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be comprised of 12 members, appointed not later than October 1, 2008, of whom—

(A) up to 6 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 1 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—The members of the Commission shall be appointed primarily from among persons with extensive private sector experience in commercial aviation manufacturing and persons with extensive private sector experience in general aviation manufacturing, and from among persons with extensive experience in economics, international trade, immigration policy, or labor policy as it relates to the industry.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) CHAIRMAN.—The President shall designate 1 member of the Commission to serve as the Chairman of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but fewer members may hold hearings.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study the issues associated with the future of the industry in the global economy, particularly with respect to the industry's international competitiveness; and

(B) assess the future importance of the industry for the economic growth and export potential of the United States.

(2) TOPICS OF STUDY.—In order to fulfill its responsibilities, the Commission shall study—

(A) current-, short-, and long-term trends in the global commercial aviation industry, including an assessment of—

(i) the effect of existing and recent foreign-based entrants into the commercial aviation market on the industry; and

(ii) ways in which foreign governments provide incentives or engage in unfair trade practices to the detriment of the industry;

(B) current-, short-, and long-term trends in the general aviation industry, including an assessment of—

(i) the effect on the industry of existing and recent foreign-based entrants into the general aviation market;

(ii) the effect of general aviation on the economy of the United States;

(iii) the effect of general aviation on domestic job creation; and

(iv) ways in which general aviation contributes to the global economic competitiveness and balance of trade of the United States;

(C) the effect on the industry of increasing costs for fossil fuel resources and the applicability of alternative fuels to replace fossil fuels;

(D) the Federal budget process, including an assessment of—

(i) the adequacy of projected budgets of Federal departments and agencies for aerospace research and development;

(ii) the adequacy of the level of communication and coordination between Federal departments and agencies as regards aerospace research and development; and

(iii) the adequacy of current levels of communication and consultation between Federal departments and agencies and industry stakeholders when developing aviation budgets and industry analysis;

(E) the tax laws, regulatory policies, and acquisition process of the Federal Government, including an assessment of their effect on maintaining a growing manufacturing base for all sectors of the industry;

(F) laws governing international trade and exports, including an assessment of the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the industry;

(G) laws governing the immigration of skilled aerospace workers, including an assessment of the impact of current immigration laws on the short-term viability of the aerospace technology workforce; and

(H) the adequacy of—

(i) Federal, State, and local programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning; and

(ii) programs for the support of workforce development at institutions of higher learning or State and local centers for technical training.

(d) REPORT.—

(1) SUBMISSION.—Not later than September 30, 2009, the Commission shall submit a report describing its activities to the President and Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for actions by Federal departments and agencies and State and local governments to support the maintenance of a robust commercial and general aviation industry in the United States, including any recommendations for legislative or regulatory changes to support the implementation of the Commission's findings; and

(C) a discussion of the appropriate means for implementing the Commission's recommendations.

(e) POWERS OF THE COMMISSION.—

(1) ADMINISTRATIVE REQUIREMENTS.—The Director of the Office of Management and Budget shall provide the Commission with sufficient funding to procure such administrative services, facilities, staff, and other support services as may be necessary to carry out the purposes of this section.

(2) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may request directly from any Federal department or agency any information that the Commission considers necessary to carry out the provisions of this section. The head of a department or agency receiving a request for information under this paragraph shall furnish such information to the Commission in accordance with applicable law.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without additional compensation for their service on the Commission, except that each member who is not an officer or employee of the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) STAFF.—The chairman of the Commission may appoint staff of the Commission, request the detail of Federal employees, and accept temporary and intermittent services in accordance with section 3161 of title 5, United States Code.

(g) TERMINATION.—The Commission shall terminate 30 days after the date of the submission of its report under subsection (d).

(h) DEFINITIONS.—

(1) In this section:

(A) COMMISSION.—The term "Commission" means the Commission on the Future of the United States Commercial and General Aviation Industry.

(B) INDUSTRY.—The term "industry" means the commercial and general aviation industry in the United States.

**SA 4647.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4590 submitted by Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) and intended to be proposed to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to

improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4 of the matter proposed to be inserted, strike line 1 and all that follows through page 9, line 2, and insert the following:

“(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft of a part 121 air carrier to be performed by maintenance personnel employed by—

“(1) a part 145 repair station;

“(2) a part 121 air carrier;

“(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

“(A) meet the requirements of such repair station or air carrier, as the case may be;

“(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

“(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be; or

“(4) a holder of a production certificate under part 21 of title 14, Code of Federal Regulations, if such personnel are subcontracted by a part 145 repair station.

“(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this section, annually thereafter, and except as provided in paragraph (2), the Administrator shall certify to Congress that—

“(A) each foreign repair station certified by the Administrator that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

“(B) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

“(2) EXCEPTION.—The requirements of paragraph (1) shall not apply with respect to foreign repair stations located in countries with which the United States has entered into a bi-lateral maintenance agreement.

“(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall amend the certification requirements under part 145 of title 14, Code of Federal Regulations, to require alcohol and controlled substance testing in accordance with section 45102 of this title for any individual employed by a foreign repair station who performs a safety-sensitive function on a United States commercial aircraft of a part 121 air carrier.”

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertified maintenance providers that perform covered maintenance work on United States commercial aircraft operated by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) **REPORT ON PLAN FOR PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) **IMPLEMENTATION OF PLANNED PROGRAM.**—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) **ANNUAL REPORT ON IMPLEMENTATION.**—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) **CLERICAL AMENDMENT.**—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: “44730. Repairs stations.”.

(c) **REPAIR STATION SECURITY REQUIREMENTS.**—Section 44924 is amended by striking subsections (a) through (g) and inserting the following:

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this section, the Administrator shall require each part 145 repair station, as a condition of certification or recertification under part 145 of title 14, Code of Federal Regulations, to implement security requirements—

“(1) to ensure that the facilities of such repair station are safe and secure; and

“(2) that include the requirements described in subsection (b).

“(b) **SECURITY REQUIREMENTS.**—The security requirements described in this subsection are requirements of a part 145 repair station to implement the following:

“(1) Methods for controlling access to secure areas.

“(2) Methods to insure that an individual is immediately denied entry to secured areas when that person's access authority for that area is withdrawn.

“(3) Methods to ensure that visitors are escorted while on facility premises.

“(4) A program to subject each individual applicant for employment with the repair station to employment history verification.

“(5) A program to ensure the security of protected materials.

“(c) **COMPLIANCE OF REPAIR STATIONS WITH SECURITY REQUIREMENTS.**—

“(1) **PROHIBITION ON CERTIFICATION OF REPAIR STATIONS THAT DO NOT COMPLY WITH SECURITY REQUIREMENTS.**—The Administrator may not certify or recertify a repair station under part 145 of title 14, Code of Federal Regulations (or any successor regulation), unless—

“(A) such repair station is in compliance with the security requirements required by subsection (a); and

“(B) such repair station certifies to the Under Secretary for Border and Transportation Security annually that such repair station is in compliance with such security requirements.

“(2) **NOTIFICATION TO AIR CARRIERS OF NON-COMPLIANCE BY REPAIR STATIONS.**—If the

Under Secretary for Border and Transportation Security of the Department of Homeland Security is aware that a part 145 repair station is not in compliance with a security requirement required by subsection (a) or that a security issue or vulnerability has been identified with respect to such repair station, the Under Secretary shall provide notice to each part 121 air carrier of such noncompliance or security issue or vulnerability.

“(d) **DEFINITIONS.**—In this section:

“(1) **PART 121 AIR CARRIER.**—The term ‘part 121 air carrier’ means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

“(2) **PART 145 REPAIR STATION.**—The term ‘part 145 repair station’ means a foreign or domestic repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).”.

**SA 4648.** Mr. VITTER (for himself, Mr. CRAIG, Mr. SPECTER, Mr. THUNE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 7. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PRODUCING STATE.**—The term “eligible producing State” means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) **NEW PRODUCING AREA.**—The term “new producing area” means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) **NEW PRODUCING STATE.**—The term “new producing State” means a State with respect to which a petition has been approved by the Secretary under subsection (b).

(4) **QUALIFIED REVENUES.**—The term “qualified revenues” means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PETITION FOR LEASING NEW PRODUCING AREAS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, during any period in which the West Texas Intermediate daily price of crude oil (in dollars per barrel) exceeds 190 percent of the annual price of crude oil (in dollars per barrel) for calendar year 2006, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil leasing, gas leasing, or both, as determined by the State, in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) **NATURAL GAS LEASING ONLY.**—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) **ACTION BY SECRETARY.**—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) **DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.**—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified revenues in the general fund of the Treasury; and

(2) 50 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1); and

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8).

(d) **ALLOCATION TO ELIGIBLE PRODUCING STATES.**—

(1) **IN GENERAL.**—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) **USE.**—Amounts allocated to an eligible producing State under subparagraph (A) shall be used to address the impacts of any oil and natural gas exploration and production activities under this section.

(e) **EFFECT.**—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5); or

(2) any authority that permits energy production under any other provision of law.

**SA 4649.** Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4582 submitted by Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) and intended to be proposed to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 5 through 7, and insert the following: “cargo (other than bulk cargo)—”.

On page 3, line 3, strike the end quotation marks and second period and insert the following:

“(4) **BULK CARGO.**—For purposes of this subsection, the term ‘bulk cargo’ shall have the

meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this subsection).”.

**SA 4650.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SAFE AND ON TIME AIR TRAVEL.**

(a) **SHORT TITLE.**—This section may be cited as the “Safe and On Time Travel Act.”

(b) **PRIORITIZING AVIATION PROJECTS.**—Any congressionally directed spending item (as that term is defined in rule XLIV of the Standing Rules of the Senate, as added by section 521 of the House Leadership in Government Act of 2007 (Public Law 110-81)), designated for administration by the Federal Aviation Administration shall be subject to the Administration’s review and selection process. After the Administration completes its review, the Secretary of the Department of Transportation shall determine if the merits of each such congressionally directed spending item outweighs the merits of any backlogged projects and has resulted in flight delays or poses a risk to airline safety. If the Secretary determines that the congressionally directed spending item does not outweigh the backlogged project, the Secretary shall have the authority to reprogram funding provided for any such congressionally directed spending item for an identified backlogged project.

(c) **REPORT.**—The Secretary shall submit a report to Congress and make available annually on the Department’s website the findings of the Federal Aviation Administration reviews of congressionally directed spending items. The report shall identify the following:

(1) A cost estimate and location of each backlogged project that may be affecting flight delays or pose a risk to airline safety.

(2) A cost estimate and location of each congressionally directed spending item designated for administration by the Federal Aviation Administration.

(3) The result of each of the Administration’s reviews and selection processes with respect to the merits of each congressionally directed spending item.

(4) A listing of any congressionally directed spending item with respect to which funding was reprogrammed to reduce flight delays or improve airline safety.

(5) A detailed description of how the reprogramming of funding for any congressionally directed spending item was spent to reduce flight delays or improve airline safety.

**SA 4651.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(f) **REALIGNMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.**—

(1) **PROHIBITION.**—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may not carry out, or plan for, the consolidation, deconsolidation, colocation, execution of interfacility reorganization, or facility elimination of the terminal radar approach control (TRACON) at Palm Beach International Airport.

(2) **REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.**—The Administrator shall ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2007, to replace an air traffic control tower or facility placed into operation before September 30, 2007, includes an operating terminal radar approach control.

**SA 4652.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

(4) Until the Board’s recommendations are completed, the Administrator may not—

(A) consolidate any additional approach control facilities into—

(i) the Southern California TRACON; or

(ii) the Memphis TRACON; or

(B) de-consolidate, relocate, colocate, reorganize, combine, de-combine, split, or otherwise realign—

(i) the Miami International Airport TRACON and Tower;

(ii) the Orlando International Airport TRACON and Tower; or

(iii) the Palm Beach International Airport TRACON and Tower.

**SA 4653.** Ms. CANTWELL (for Mr. REID) proposed an amendment to the resolution S. Res. 494, expressing the sense of the Senate on the need for Iraq’s neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq; as follows:

On page 3, beginning on line 9, strike “to merge reconstruction assistance funds provided by the United States with funds” and insert “to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds”.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 1, at 9:30 a.m. in room 562 of the Dirksen Senate Office building to conduct a hearing entitled “Indian Energy Development—Regaining Self-Determination Over Reservation Resources.”

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 1, 2008, at 2 p.m. to conduct a Committee hearing entitled “The More You Know, the Better Buyer You Become: Financial Literacy for Today’s Homebuyers.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 1, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, May 1, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, May 1, 2008, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Keeping America’s Children Safe: Preventing Childhood Injury” on Thursday, May 1, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 1, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled Indian Energy Development—Regaining Self-Determination Over Reservation Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on Judicial nominations on Thursday, May 1, 2008, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 1, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

## TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. ROCKEFELLER. Mr. President, a procedural matter. I ask unanimous consent the Senate proceed to the immediate consideration of S. 2954, introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2954) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

Mr. ROCKEFELLER. Mr. President, I ask if there is objection to proceeding?

Mr. CRAIG. Mr. President, reserving the right to object, and I will not object, I came to the floor last night to speak to a time extension for our colleagues on the farm bill.

Mr. ROCKEFELLER. This would follow both you and Senator NELSON.

Mr. CRAIG. I am speaking to the unanimous consent request and the extension, and I think it is appropriate at this time. It appears our colleagues have labored hard and long. We believe we have a compromise for the farm bill. This gives them adequate time to refine it and bring it to floor as a conference report for final consideration.

Mr. ROCKEFELLER. I am informed we have to get this bill to the House right away.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. I ask unanimous consent that the bill be read

three times and passed, the motion to reconsider be laid upon the table with, no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2954) was read the third time and passed, as follows:

S. 2954

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110-196 (122 Stat. 653) (as amended by Public Law 110-200 (122 Stat. 695) and Public Law 110-205 (122 Stat. 713)) is amended—

- (1) in subsection (a), by striking “May 2, 2008” and inserting “May 16, 2008”; and
- (2) in subsection (d), by striking “May 2, 2008” and inserting “May 16, 2008”.

## RATIFYING A LAND CONVEYANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3522, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3522) to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3522) was read the third time and passed.

## MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 493

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 340, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 340) to make technical corrections in the enrollment of the bill H.R. 493.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 340) was agreed to.

## NATIONAL CHILD CARE WORTHY WAGE DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res. 112 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 112) supporting the goals and ideas of a National Child Care Worthy Wage Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 112) was agreed to.

The preamble was agreed to.

## REGARDING NEED FOR IRAQ RECONSTRUCTION ASSISTANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 709, S. Res. 494.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 494) expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, without amendment, and with an amendment to the preamble, as follows:

(Omit the part struck through and insert the part printed in italic.)

S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately \$29,000,000,000 on reconstruction assistance and Congress has authorized the expenditure of an additional \$16,500,000,000 \$18,500,000,000 on reconstruction assistance and Congress has authorized the expenditure of \$24,000,000,000 for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately \$16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly \$13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately \$7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that "[i]nternational support for Iraqi reconstruction has been tepid" remains true and reinforces the ISG's subsequent recommendation that "[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects";

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to merge reconstruction assistance funds provided by the United States with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

Ms. CANTWELL. Mr. President, I further ask that the amendment which is at the desk be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4653) was agreed to, as follows:

On page 3, beginning on line 9, strike "to merge reconstruction assistance funds provided by the United States

with funds" and insert "to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds".

The resolution (S. Res. 494), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

#### S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately \$18,500,000,000 on reconstruction assistance and Congress has authorized the expenditure of \$24,000,000,000 for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately \$16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly \$13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately \$7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that "[i]nternational support for Iraqi reconstruction has been tepid" remains true and reinforces the ISG's subsequent recommendation that "[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects";

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

#### NATIONAL DRUG COURT MONTH

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 534 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 534) designating the month of May 2008 as "National Drug Court Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 534) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 534

Whereas drug courts provide focus and leadership for community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality;

Whereas 60 percent to 80 percent of drug offenders sentenced to prison and over 40 percent sentenced to probation recidivate, and whereas fewer than 17 percent of drug court graduates recidivate;

Whereas the results of more than 100 program evaluations and at least 3 experimental studies have yielded evidence that drug courts greatly improve substance abuse treatment outcomes, substantially reduce crime, and produce significant societal benefits;

Whereas drug courts transform over 120,000 addicts each year in the adult, juvenile, and family court systems into drug-free, productive citizens;

Whereas judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to drug courts and similar types of treatment programs are healing families and communities across the country; and

Whereas the drug court movement has grown from the 12 original drug courts in 1994 to over 2,000 operational drug courts as of December 2007: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of May 2008 as "National Drug Court Month";

(2) encourages the people of the United States and interested groups to observe the month with appropriate ceremonies and activities;

(3) encourages leaders across the United States to increase the use of drug courts by instituting sustainable drug courts and other treatment-based alternatives to prison in all 3,143 counties in the United States, which serve the vast majority of the highest-need citizens in the justice system; and

(4) supports the goal of robustly funding the Drug Court Discretionary Grant Program and other treatment-based alternatives



to prison in order to expand these critical criminal justice programs.

#### NATIONAL SUBSTITUTE TEACHER RECOGNITION WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 544 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 544) designating May 5 through 9, 2008, as National Substitute Teacher Recognition Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I rise today in recognition of the 7th Annual "National Substitute Teacher Recognition Week," which is celebrated in conjunction with Teacher Appreciation Week. This is a national effort to recognize the approximately 270,000 men and women that fill in for absent permanent teachers every day in the United States.

According to research performed by the Substitute Teaching Institute—STI—at Utah State University, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers. More often than not, these are talented individuals who are willing to take on the challenge of providing quality education when permanent teachers are out of the classroom. I believe it is only appropriate that we do something to recognize the efforts of these members of our communities who fill a void in the education of our children and play a vital role in maintaining continuity of instruction and a positive learning environment for students throughout our country.

I would also like to recognize and commend the work and dedication of the Substitute Teaching Institute. Established in 1995, STI provides substitute teachers with training materials to improve the quality of their contribution to classroom activities. Over the last 12 years, STI has evolved and grown to become one of our Nation's leaders in the effort to improve substitute teaching, providing training materials and services along with recruitment and retention assistance to school districts and substitute teachers around the world. Having expanded its work over the years, the STI continually works to revolutionize the role of substitute teachers into opportunities for educational excellence.

I am joined by Senators CLINTON and COCHRAN in submitting a resolution designating May 5–9, 2008 as National Substitute Teacher Recognition Week, and I urge all my colleagues to lend their support.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed

to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 544

Whereas, on average, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers;

Whereas, on any given day in the United States, more than 270,000 classes are taught by substitute teachers;

Whereas formal training of substitute teachers has been shown to improve the quality of education, lower school district liability, reduce the number of student and faculty complaints, and increase retention rates of substitute teachers;

Whereas a strong, effective system of education for all children and youth is essential to our Nation's continued strength and prosperity;

Whereas much of a child's growth and progress can be attributed to the efforts of dedicated teachers and substitute teachers who are entrusted with the child's educational development;

Whereas substitute teachers play a vital role in maintaining continuity of instruction and a positive learning environment in the absence of a permanent classroom teacher; and

Whereas substitute teachers should be recognized for their dedication and commitment: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 5 through 9, 2008, as the 7th annual National Substitute Teacher Recognition Week;

(2) recognizes the important and vital role substitute teachers play in a child's education; and

(3) encourages educational institutions to observe the week with appropriate events and activities.

#### HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 545, which was submitted earlier today by Senator PRYOR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 545) honoring the recipients of the El Dorado Promise Scholarship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 545) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 545

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and a significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas, on April 30, 2008, El Dorado High School students who receive El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) recognizes April 30, 2008, as the second Academic Signing Day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

#### NATIONAL PHYSICAL FITNESS AND SPORTS MONTH AND NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 546, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 546) designating May 2008 as "National Physical Fitness and Sports Month," and the week of May 1 through May 7, 2008, as "National Physical Education and Sports Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. THUNE. Mr. President, I am pleased to submit a resolution today with my colleague, Senator WYDEN OR, designating the month of May as "National Physical Fitness and Sports Month" and the first week of May as "National Physical Education and Sports Week."

Developing healthy habits is important for all of us, as children, young

adults, and as we grow older. Current and past Presidents have recognized the month of May, the beginning of spring, as "Physical Fitness and Sports Month" for over 20 years. Around South Dakota and across the country, local YMCAs, afterschool programs, and other organizations take time during the month of May to recognize the need to get fit, stay active, and look at new ways to promote physical activity. This year, I am pleased we are able to recognize the importance of physical fitness through the Senate.

As we talk more about health care reform and the uninsured, it is important to remember that each of us has a responsibility concerning our own care and to educate our children on the importance of staying healthy. Too often I hear from constituencies, such as school groups and health care providers, that childhood obesity and diabetes are on the rise—and it is not just affecting our health, but also our pocketbooks.

According to my State and the Centers for Disease Control, more than 50,000 South Dakotans have diabetes and projections show that number will continue to increase. Diabetes of course can cause severe complications and takes a tremendous toll on our society. The disease is associated with significant personal and social costs due to impaired health and quality of life.

Heart disease is another significant and often related illness to diabetes that effects millions of Americans and costs Medicare and Medicaid, and therefore taxpayers, millions each year. In South Dakota, approximately 1,743 deaths—24.8 percent of all deaths—in 2006 were caused by cardiovascular diseases, including stroke.

Now much of the burden of heart disease is due to smoking—and that is another problem we will continue to tackle through education at the state and local levels. But it is also helpful to know that both heart disease and type 2 diabetes are largely preventable. Also, obesity and inactivity are two of the major risk factors associated with these diseases—which means a healthy diet and regular physical activity at all ages can go a long way toward improving our quality of life and reducing our health care bills.

For adults, it is recommended that minimum physical activity consist of moderate activity for 30 minutes, 5 days a week, or more vigorous activity for 20 minutes, 3 days a week. My daughters and I happen to have a passion for running, which is particularly popular this time of year in South Dakota.

The month of May is also a time to recognize the importance of sports to our State and to our schools. Getting involved in your local school team—high school or college—or in other local teams is a great way to stay motivated and focused through school and to develop healthy habits that will last for many years. It is also a tremen-

dously important part of community life in South Dakota.

I am proud that this resolution has been endorsed by YMCA of the USA, AAHPERD—American Alliance for Health, Physical Education, Recreation & Dance—the American Heart Association, American Diabetes Association, and the National Coalition for Promoting Physical Activity.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 546) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 546

Whereas regular physical activity helps increase endurance, strengthen bones and muscles, control weight, and reduce anxiety and stress, and may improve blood pressure and cholesterol levels;

Whereas about  $\frac{3}{4}$  of young people in the ninth through 12th grades do not engage in recommended levels of physical activity, and daily participation in high school physical education classes has declined over the last 7 years;

Whereas 39 percent of adults report they are not physically active, and only 3 in 10 adults engage in the recommended amount of physical activity;

Whereas, in 2004, more than 9,000,000 children and adolescents in the United States between the ages of 6 and 19 were considered overweight;

Whereas obesity and inactivity are 2 major risk factors for developing type 2 diabetes, a disease that affects millions of people in the United States;

Whereas many chronic diseases may be prevented by living a healthy lifestyle that includes regular physical activity and a balanced diet;

Whereas, according to the Centers for Disease Control and Prevention, the American Heart Association, and the American College of Sports Medicine, minimum physical activity for adults consists of moderate activity for 30 minutes 5 days a week or vigorous activity for 20 minutes 3 days a week;

Whereas, according to a 1996 report by the Surgeon General, positive experiences with physical activity at a young age help to lay the foundation for being active throughout life;

Whereas the President's Council on Physical Fitness and Sports promotes regular physical activity to achieve and maintain good health and to prevent chronic disease and offers motivational tools through the President's Challenge program for people of all ages to track physical activity; and

Whereas the month of May has been recognized since 1983 as National Physical Fitness and Sports Month to encourage physical fitness and activity and to promote health in children and adults of all ages: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates—

(A) May 2008 as "National Physical Fitness and Sports Month"; and

(B) the week of May 1 through May 7, 2008, as "National Physical Education and Sports Week"; and

(2) encourages the people of the United States to observe the month and the week with appropriate ceremonies and activities.

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK AND OCCUPATIONAL SAFETY AND HEALTH PROFESSIONALS DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 547, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 547) designating the week of May 4 through May 10, 2008, as "North American Occupational Safety and Health Week" and May 7, 2008, as "Occupational Safety and Health Professionals Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 547) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 547

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more incur occupational injuries and illnesses in the United States;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated \$230,600,000,000 in tangible costs;

Whereas businesses spend \$170,000,000,000 a year on costs associated with occupational injuries and illnesses;

Whereas it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace—wherever that workplace may be, such as on the road, in the air, the classroom, the store, the plant, or the office;

Whereas each year the families, friends, and co-workers of victims of on-the-job accidents suffer intangible losses and grief, especially when proper safety measures could have prevented worker injury or death;

Whereas everyday millions of people go to and return home from work safely due, in part, to the efforts of occupational safety, health, and environmental practitioners who work day in and day out identifying hazards and implementing safety and health advances across industries and workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the purpose of the North American Occupational Safety and Health Week (NAOSH) is to raise awareness among employees, employers, and the general public of the benefits of investing in occupational safety and health;

Whereas the more than 32,000 members of the American Society of Safety Engineers,

along with the more than 150,000 combined members of the American Association of Occupational Health Nurses, the American Heart Association, and the National Association of Homebuilders, will be mobilizing to encourage safe practices, and increase the quality of life for employees and employers;

Whereas the theme of NAOSH Week 2008 is "safety is good business", highlighting that businesses operate more efficiently and are more respected when they use effective safety and health management systems; and

Whereas, on May 7, 2008, occupational safety and health professionals will be recognized during the 3rd annual Occupational Safety and Health Professionals Day for the work they do to keep people safe at work: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 4 through 10, 2008, as "North American Occupational Safety and Health Week";

(2) designates May 7, 2008, as "Occupational Safety and Health Professionals Day";

(3) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(4) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(5) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 4 through May 10, 2008, and throughout the year; and

(6) urges all people of the United States to continue to act responsibly and to be safe at work so that the millions of people who go to work return home safely every day to their families and friends.

#### ENERGY

Ms. CANTWELL. Mr. President, there are many items we were taking care of, but I think the Senate, including the Presiding Officer, in the last several days has spent a lot of time talking about the high prices of gasoline and how the consumers are being impacted by it.

I come to the floor tonight to continue that discussion and to say to the American people and the people of Washington State whom I represent that we are going to be aggressive and vigilant about looking into the oil market and why gas prices have risen over 100 percent in a year when there has been no disruption of supply, when there has been no shortage, when most oil companies testified that oil should be at \$60 a barrel, why we are at these high gas prices.

Many of my colleagues have been out on the floor speaking. I keep pointing to the fact that the price of oil has been at over \$118 a barrel. I don't know what they closed at today. Many consumers have been paying anywhere from \$3.56 a gallon to \$4.22 a gallon for diesel. Oil futures—I keep emphasizing this—oil futures are part of what drives the day-to-day price of oil. When oil futures are so high, that helps set the price in the day-to-day, what is called the spot market. We know oil futures

now will be over \$100 a barrel for several years. We know this is a very big indicator of the challenge we face in keeping gasoline prices low.

Many of my colleagues have been out here talking about ANWR, how we should drill in the Arctic Wildlife Refuge and we will solve our problems. I do not support drilling in the wildlife refuge because I think it is a very special place because it is a wildlife refuge. More importantly, in this case, it is not going to solve our energy crisis. Drilling in the Arctic Wildlife Refuge will, at the height of its production 10 or 20 years from now, if it actually occurs, will reduce gas prices by about a penny a gallon. We are talking about a few dollars of savings over a year's period of time. We are not talking about a solution.

The United States has 3 percent of the world's oil reserves. We are not going to drill our way out of this problem. So we need to act.

Many of my colleagues have said it is about the fact that there is not enough gas supply; we don't have enough inventory. And we hear from oil analysts who give testimony or write articles in the paper that "gasoline inventories are higher than the historical average at this time of year . . . so there is really no need to worry about the supply being too tight." This is an oil analyst who said this in March. Here is somebody analyzing the market who says it is not about the supply being too tight.

We had some people say it is all about refineries, if we just went ahead with refineries producing more and there are all these environmental regulations and they cannot produce more oil. According to CEOs of oil companies, that is not the issue because the CEO of Shell testified that—this is before a Senate committee—"We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery." That is not what the problem is either.

We know it is not any existing regulations because here is another CEO of an oil company who said: At this time, we are not aware any projects have been directly prevented as a result of any specific Federal or State regulation.

I have gone over some of these charts, and I am going over them again tonight because I think it is important for us to get to the bottom of what is going on. We owe it to our consumers, to our constituents to make sure that strong Federal statutes are in place that prohibit market manipulation and that they are enforced and that if markets are out of control—and by that I mean there is no justification for the price—we have somebody in the Federal Government, a Federal agency that is going to police that market and hold people accountable for the manipulation of supply and price.

During the summer season, we actually think consumption in the United

States is projected to decline. So this notion somehow that the summer driving season is upon us and all of a sudden the price should go up because more people are going to be driving taking vacations and it is going to have an impact and that is why the price should go up is just not correct. This is a statement by the Energy Information Agency that it declined over last year by three-tenths of a percent and is expected to decline by four-tenths of a percent for the summer. It is not really about the fact that all of a sudden just because it is summer we should pay higher gas prices.

I have shown this chart about supply and demand because it shows in the orange color what demand have been and what supply has been, the yellow line. What is interesting is that supply and demand has been fairly consistent over time; that is, we see some anomalies there, but pretty much supply and demand are being met. So someone cannot say we had in 2007 or 2008 a big gap and that is why today prices are 100 times what they were, over 100 percent from where they were a year ago. You cannot say that because supply and demand are basically constant.

That leaves us to say, What is the problem? What is going on and what is causing this problem? When I think about this issue about what America needs to do to make sure oil markets are policed, to make sure oil markets are functioning, to make sure oil, a commodity that is so important to us in the United States as it relates to our economy, is really properly policed by proper Federal agencies, I look at where this is.

I have said a couple times on the floor now it seems to me that hamburger in America has more regulation as it relates to the futures market than oil does. I am sure some will say: What is the Senator from Washington talking about? What I am talking about is basically this chart which is that cattle futures, which are traded on several platforms, basically do not have any exemptions. They have to comply with all the rules and regulations of the futures market. That means they have to register, people have to know who is buying and selling on that market. They have daily reporting requirements. That means there has to be transparency. And there are speculative limits. Those speculative limits in the market for something such as cattle futures basically say if price gets out of control, then they stop the market. They stop the market; they don't let it just careen out of control.

Yet we look at oil—besides the NYMEX, oil has been traded on these mini-platforms, and you ask: Does it have to meet any of these same requirements as beef? No. Look over here and they are exempt. There is no check mark here. They are exempt. They are an exempt commodity. Why? Because in 2000, they were given an exemption called the Enron loophole that basically said those trades don't have to

comply with the same daily reporting requirements of the futures market. They don't have registration, so we don't know who is impacting that market. We don't know who is doing it. They certainly don't have daily reporting requirements, so there is no transparency, and they don't have any kind of limitation on the speculation. Basically, we have a totally different regime of how futures are treated.

As I said, the important point is that the oil futures price impacts the day-to-day price of oil as well. So it is very important that we have a futures market that functions, that is not manipulated, that has a certain amount of transparency to it, that there are reporting requirements so that if something is amiss in the marketplace, it can be investigated.

Let me be clear. I don't think any oil company or hedge fund or any other organization wants a disruptive market that does not function properly on market fundamentals. That is not good for anybody. So everybody should think that somehow hamburger cannot be more important to America than oil as it relates to our economy, and yet we have given all of these exemptions to oil and said we don't need to know this. We don't need to know this information. It is apparent at these prices that market fundamentals are not working. Supply and demand is not working.

We as a body basically said we want a prohibition on manipulation of oil. We made it illegal for any person to directly or indirectly use "any manipulative or deceptive device or contrivance" in connection with the wholesale purchase of crude oil or petroleum distillates. And we said any violators of that law could be fined up to \$1 million a day. We did that in December. I think that \$1 million per day is a pretty stiff fine to deter people from manipulating the market.

We also said anybody who knowingly provides false or misleading information about the wholesale of crude oil or gasoline prices to a Federal department or agency can also be fined up to \$1 million per day.

We believe when we look at the Enron case and we look at some of the information that has been provided in these other markets where there has been manipulation, that providing false information was exactly the way we caught and understood exactly how people were manipulating the market.

That is the legislation that Senator REID and the Democrats pushed and got bipartisan support for in the Senate and we passed in December of last year.

What we have been waiting for is the FTC to act. We have been waiting for the administration to enforce that law. We have been waiting for them to enforce that law by writing the rules and regulations that will police the oil market and catch the manipulators of oil prices in this country.

The good news is the FTC is acting. The FTC, within the last half an hour,

40 minutes, has issued their rule. I have it here. This is the new rule.

It has to go through a public comment period. It has to have the input, I am sure it will be from hundreds of people who will want to say this is how I think this rule should work. I certainly encourage consumers and consumer organizations and my colleagues in the Senate to all respond to this rule because it will be critical that we hear from people.

I think the Chairman of the FTC, Chairman Kovacic, has done a good job saying in a press release just issued:

We understand consumer prices are being hurt by high gas prices and that the Commission remains vigilant in using this authority to prevent unlawful behavior that affects gas prices.

I congratulate the FTC in issuing this rule. But I want people to understand that this rule in its final implementation is what is going to say to those individuals who are manipulating markets—we don't know yet about oil markets. We certainly know we have found manipulation of electricity markets, we have found manipulation of natural gas markets, we have found manipulation of propane, and we are going to use this law and this new rule to police the oil markets and stop any kind of activity that is spiking the price of gasoline and ruining our economy.

I can't say how important it is that we move forward on this rule. I can't tell you how critical it is because without the proper tools, without the proper policing and a market careening out of control—we had an oil analyst who basically said—I don't know if we have that chart—but he basically said Government has to act because there is too much speculative power running around in the market without the oversight, and Government needs to act. If it does not act, prices are going to keep going up.

I wish to give an example because the Amaranth case was a natural gas case where a hedge fund basically manipulated the market and sold a bunch of product into the market, physically a whole month of supply, to crash the price and then basically end up capitalizing on the fact they had so much control of the market.

Back to a chart that we have on beef and cattle futures, it is the issue that when you look at those markets, one of the reasons you police markets and you look at speculative limits and you have exchange registration is because you want to make sure that not one big player has so much market share it ends up using that in a manipulative way, which is what Amaranth did.

After Amaranth basically collapsed and the Federal Energy Regulatory Commission went after them for the manipulation of these prices, the price of natural gas fell 38 percent. After they got out of the market, the natural gas price fell 38 percent.

I am not saying this is going to happen, but imagine if that same thing

happened in the oil markets. What would happen if we found out there was a big player such as Amaranth that was helping drive up the price and you actually could see a reduction of 38 percent from where we are today at nearly \$118—\$110 a barrel. Oil would be about \$75 a barrel. Instead of paying \$3.60 a gallon, we would be paying more like \$2.40 or \$2.50 a gallon. That is what would happen.

It is critical we police these markets and we use this new rule and that consumers respond and that we do our job in the Congress in making sure Federal regulators are on top of what is an out-of-control oil market that is not based on supply and demand, that is based on some other market activity that cannot be explained. Where there is smoke I think there is fire. We certainly see a lot of smoke in the oil markets that I hope will lead the FTC to investigate vigorously, with this new rule, the potential manipulation and stop these practices to help save our economy and save consumers who are getting gouged at the pump.

We are going to continue next week by reminding our colleagues of what we need to do. We need to protect consumers by closing the Enron loophole. As I said, beef futures have all these requirements but oil doesn't. We need to require the oversight of all oil futures markets. This was No. 3 on our list, get the FTC to act with new rules. The FTC did it tonight, issued their rule. I have not even read it in full. I am going to do that as soon as I leave the floor. I am going to see how good the rule is in basically enforcing the power we gave them in the December 2007 Energy bill.

We need to get the DOJ in the act because I think the FTC, while they have the new authority, should be with the CFTC, they should work with the SEC. They did a great job on the Enron task force in compiling across multiple agencies the case against the manipulation of the electricity markets. They should do the same for the oil markets.

Then, as I said before, I think making sure the President has emergency authority on price gouging, such as 28 States do, is also an important tool, and I am sure we will be talking more about that in the future.

Bursting the energy price bubble is what we need to do. We need to burst the energy price bubble that we cannot explain. We do not know why it is there. It is not supply and demand. It is something else going on, and we need to get to the bottom of it. After Amaranth, pricing dropped to the lowest level in 2½ years after their getting out of the market, after their manipulation, after a hedge fund came in and tried to manipulate the natural gas market. When we saw the lowest rate for natural gas in 2½ years after we got that manipulator out of the market, it tells us we have to be vigorous in this battle. We have to be aggressive in protecting our consumers, and that is what the Senate is going to continue to do.

I know the Presiding Officer is on board in that effort. I know many of my colleagues are too. I know Senator REID is as well.

I encourage my colleagues to weigh in on this issue of the FTC rule and policing of the oil markets. I hope we have hearings in the Commerce Committee to do that and that we show the American public the Senate is serious about protecting consumers from the high price spikes in oil that cannot be described as simply market supply and demand.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR FRIDAY, MAY 2, 2008

Ms. CANTWELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

stand adjourned until 9:30 a.m. tomorrow, Friday, May 2; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. I further ask that the filing deadline for first-degree amendments be 3:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Ms. CANTWELL. Mr. President, today we were unable to reach an agreement on the FAA reauthorization bill. As a result, Senator REID filed cloture on the substitute amendment and the bill. The cloture vote on this substitute will occur at 2:30 p.m. on Tuesday. There will be no votes tomorrow and, as previously announced, there will be no votes on Monday.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Ms. CANTWELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Friday, May 2, 2008, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

SEAN JOSEPH STACKLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DELORES M. ETTER, RESIGNED.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALPHONSO R. JACKSON, RESIGNED.

##### DEPARTMENT OF STATE

LILIANA AYALDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

TATIANA C. GFOELLER-VOLKOFF, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.